

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No.  
17-md-2804

Judge Dan Aaron  
Polster

This document relates to:

The County of Cuyahoga v. Purdue Pharma, et  
al., Case No. 17-OP-45004

City of Cleveland, Ohio v. Purdue Pharma L.P.,  
et al., Case No. 18-OP-45132

The County of Summit, Ohio, et al. v. Purdue  
Pharma L.P., et al., Case No. 18-OP-45090

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Videotaped Deposition of
HYLTON E. BAKER
December 19, 2018
9:08 a.m.

Taken at:
Sheraton Suites Akron
1989 Front Street - Portage Room
Cuyahoga Falls, Ohio

Stephen J. DeBacco, RPR

<p>Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the City of Akron and Summit</p> <p>4 County:</p> <p>5 Motley Rice LLC, by</p> <p>6 JAMES W LEDLIE, ESQ</p> <p>7 CAROLINE RION, ESQ</p> <p>8 28 Bridgeside Boulevard</p> <p>9 Mt Pleasant, South Carolina 29464</p> <p>10 (843) 216-9252</p> <p>11 jledlie@motleyrice.com</p> <p>12 (843) 216-9168</p> <p>13 crion@motleyrice.com</p> <p>14</p> <p>15 On behalf of McKesson Corporation:</p> <p>16 Covington & Burling, by</p> <p>17 JENNIFER SAULINO, ESQ</p> <p>18 One CityCenter</p> <p>19 850 Tenth Street Northwest</p> <p>20 Washington, D C 20001-4956</p> <p>21 (202) 662-5305</p> <p>22 jsaulino@cov.com</p> <p>23 -and-</p> <p>24 Covington & Burling LLP, by</p> <p>25 BRYANT E PULSIPHER, ESQ</p> <p>One Front Street</p> <p>San Francisco, California 94111-5356</p> <p>(415) 591-7055</p> <p>bpulsipher@cov.com</p> <p>~~~~~</p>	<p>Page 4</p> <p>1 TRANSCRIPT INDEX</p> <p>2</p> <p>3 APPEARANCES..... 2</p> <p>4</p> <p>5 INDEX OF EXHIBITS 5</p> <p>6</p> <p>7 EXAMINATION OF HYLTON E. BAKER</p> <p>8 By Ms. Saulino..... 13</p> <p>9 By Mr. Pulsipher..... 265</p> <p>10 By Ms. Hartman..... 303</p> <p>11 By Ms. Gates..... 340</p> <p>12</p> <p>13 REPORTER'S CERTIFICATE..... 345</p> <p>14</p> <p>15 EXHIBIT CUSTODY</p> <p>16 EXHIBITS RETAINED BY THE COURT REPORTER</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 3</p> <p>1 APPEARANCES, Continued:</p> <p>2</p> <p>3 On behalf of Endo Health Solutions, Inc ,</p> <p>4 and Endo Pharmaceuticals, Inc :</p> <p>5 Baker Hostetler, by</p> <p>6 RUTH E HARTMAN, ESQ</p> <p>7 TERA N COLEMAN, ESQ</p> <p>8 Key Tower</p> <p>9 127 Public Square, Suite 2000</p> <p>10 Cleveland, Ohio 44114-1214</p> <p>11 (216) 861-7309</p> <p>12 rhartman@bakerlaw.com</p> <p>13 (216) 861-7582</p> <p>14 tcoleman@bakerlaw.com</p> <p>15</p> <p>16 On behalf of Walmart, Inc :</p> <p>17 Jones Day, by</p> <p>18 LISA B GATES, ESQ</p> <p>19 North Point</p> <p>20 901 Lakeside Avenue</p> <p>21 Cleveland, Ohio 44114-1190</p> <p>22 (216) 586-7154</p> <p>23 lgates@jonesday.com</p> <p>24</p> <p>25 On behalf of Walgreens, via</p> <p>Teleconference:</p> <p>Bartlit Beck LLP, by</p> <p>MATTHEW BREWER, ESQ</p> <p>54 West Hubbard Street</p> <p>Chicago, Illinois 60654</p> <p>(312) 494-4432</p> <p>batthew.brewer@bartlitbeck.com</p> <p>~~~~~</p> <p>ALSO PRESENT:</p> <p>Kurt Henschel, Legal Videographer</p> <p>~~~~~</p>	<p>Page 5</p> <p>1 INDEX OF EXHIBITS</p> <p>2 NUMBER DESCRIPTION MARKED</p> <p>3 Exhibit 1 Cleveland Plain Dealer 134</p> <p>4 Article Titled "The Comeback</p> <p>5 Drug; Police, Social Workers</p> <p>6 Fear Heroin 'Epidemic'"</p> <p>7</p> <p>8 Exhibit 2 Document Titled "Drug Threat 163</p> <p>9 Assessment, Summit County,</p> <p>10 Ohio," SUMMIT_000023567 to</p> <p>11 00023648</p> <p>12 Exhibit 3 Document Titled "2009 Annual 191</p> <p>13 Report," SUMMIT_000830645 to</p> <p>14 000830682</p> <p>15 Exhibit 4 11/1/2010 E-Mail from Hylton 193</p> <p>16 Baker Re: Heroin Epidemic in</p> <p>17 Akron, OH, SUMMIT_001009696</p> <p>18 to 001009697</p> <p>19</p> <p>20 Exhibit 5 Summit County and City of 224</p> <p>21 Akron, Ohio Plaintiff First</p> <p>22 Amended Responses and</p> <p>23 Objections To Distributor</p> <p>24 Defendants' First Set of</p> <p>25 Interrogatories</p> <p>Exhibit 6 12/15/2010 E-Mail Chain Re: 240</p> <p>HIDTA Information Sharing</p> <p>Conference Call,</p> <p>SUMMIT_000076601 to</p> <p>000076602</p> <p>Exhibit 7 Summit County Drug Unit 245</p> <p>Confidential Investigative</p> <p>Report, Case No DU-0517,</p> <p>SUMMIT_001839815 to</p> <p>001839819</p> <p>Exhibit 8 Summit County CENTAC 254</p> <p>Confidential Investigation</p> <p>Report, Case No CT-0114,</p> <p>SUMMIT_001977600 to</p> <p>001977604</p>

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<p style="text-align: right;">Page 11</p> <p>1 object..... 324 object..... 337 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 13</p> <p>1 MR. BREWER: You have Matt Brewer 2 from Walgreens from the firm Bartlit Beck. 3 HYLTON E. BAKER, of lawful age, called 4 for examination as provided by the Federal 5 Rules of Civil Procedure, being by me first 6 duly sworn, as hereinafter certified, deposed 7 and said as follows: 8 EXAMINATION OF HYLTON E. BAKER 9 BY MS. SAULINO: 10 Q. Good morning, Captain Baker. 11 A. Good morning. 12 Q. As you just heard, my name is 13 Jennifer Saulino, and I'm with the law firm of 14 Covington & Burling, and we represent McKesson 15 Corporation, which is one of the defendants in 16 this action. 17 Could you please just state and 18 spell your full name for the record? 19 A. Yes. First name is Hylton, 20 H-y-l-t-o-n; middle initial E.; last name is 21 Baker, B-a-k-e-r. 22 Q. And could you state your address 23 for the record, please? 24 A. It is 3226 Wright, W-r-i-g-h-t, 25 Road Northwest, Uniontown, one word, Ohio</p>

<p style="text-align: right;">Page 14</p> <p>1 44685. 2 Q. And you are currently retired; is 3 that correct? 4 A. That is correct. 5 Q. Do you -- although you are retired 6 from the sheriff's department, are you working 7 in any other capacities right now? 8 A. Yes, I am. 9 Q. What are you doing? 10 A. I work as a supervisor for Dunbar 11 Brinks. 12 Q. And what do you do in that 13 capacity? 14 A. I move money from one place to 15 another. 16 Q. Okay. As a supervisor, do you -- 17 are you actually in the trucks, or do you sit 18 in an office? 19 A. Both. 20 Q. Both? Okay. And that's here in 21 Northeastern Ohio? 22 A. Yes. 23 Q. And you retired from the sheriff's 24 office in late 2012; is that right? 25 A. I retired in November of 2012.</p>	<p style="text-align: right;">Page 16</p> <p>1 9:12. 2 BY MS. SAULINO: 3 Q. Okay. So we were talking just a 4 moment ago about the activities that you 5 perform still with the sheriff's office. You 6 said sometimes you're a speaker. On what do 7 you speak? 8 A. Drugs. 9 Q. And is that here in Northeastern 10 Ohio or outside or both? 11 A. Yeah, pretty much here. I haven't 12 done it for a while now. 13 Q. Okay. 14 A. Getting kind of old, I guess. 15 Q. I disagree. 16 Okay. And do -- any other 17 activities with the sheriff's office in any 18 kind of professional capacity? And setting 19 aside, like, retirement parties and those kinds 20 of things. 21 A. Not -- not unless I'm called upon. 22 Q. And are you sometimes called upon? 23 A. I could be. 24 Q. Have you been? 25 A. Not in a while.</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. You maintain contacts there still? 2 A. Some. 3 Q. And do you perform any work for the 4 sheriff's office as a contractor on a part-time 5 basis? 6 A. I do not. 7 Q. Or any kind of consulting, anything 8 like that? I mean, any activities still with 9 the sheriff's office? 10 A. Every now and then if they need a 11 speaker somewhere, I do that. I still work as 12 a firearms instructor. 13 Q. And that's for the qualification 14 sessions of the -- the -- 15 A. For the department -- 16 Q. -- department? Yep. 17 A. -- personnel. Yes, ma'am. 18 Q. Do you get paid for either of those 19 activities? 20 A. I do not. 21 MS. SAULINO: Can we go off the 22 record for a second? 23 THE VIDEOGRAPHER: Off the record 24 (Off-the-record discussion.) 25 THE VIDEOGRAPHER: On the record,</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. When you say "a while," you mean -- 2 A. Since I retired. 3 Q. Okay. What could you be called 4 upon for? 5 MR. LEDLIE: Object to the form. 6 A. Any kind of an emergency. 7 Q. So -- so they could bring you back 8 in to work as a member of the sheriff's office? 9 What -- what do you mean? 10 A. As an -- it would be unpaid, if 11 that's what you're getting at. I would -- 12 yeah. 13 Q. No. I'm just wondering what you 14 mean by you could be called in in an emergency 15 A. As a police officer -- 16 Q. As a police officer. 17 A. -- in the state of Ohio. 18 Q. Okay. 19 A. Yes, ma'am. 20 Q. And do you have to maintain any 21 kind of training or qualifications in order to 22 remain somebody that they could call in in an 23 emergency? 24 A. Yes. 25 Q. And do you do that?</p>

<p style="text-align: right;">Page 18</p> <p>1 A. Yes, I do.</p> <p>2 Q. So what is that?</p> <p>3 A. Depends on what the State mandates,</p> <p>4 but every year we qualify and take whatever</p> <p>5 training that the State mandates.</p> <p>6 Q. And is that -- what kind of</p> <p>7 training is that? Is that simply firearms, or</p> <p>8 are there more?</p> <p>9 A. It's firearms. It could be how to</p> <p>10 deal with mental illness. Any -- any topic</p> <p>11 that the State deems they want us to have.</p> <p>12 Q. Since you retired, has --</p> <p>13 have any -- has any of that training involved</p> <p>14 drugs of any kind?</p> <p>15 A. Actually, I sat through a training</p> <p>16 where they did have an update on drugs.</p> <p>17 Q. When was that, if you recall?</p> <p>18 A. A couple years ago.</p> <p>19 Q. What kind of an update was it?</p> <p>20 A. Basically, they kind of showed</p> <p>21 everybody what some of the fentanyl's looked</p> <p>22 like and what the hazards were involved in</p> <p>23 those.</p> <p>24 Q. To your recollection, it was</p> <p>25 specific to fentanyl?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Have you done it -- when you say "a</p> <p>2 couple," you mean two or three, or do you</p> <p>3 mean --</p> <p>4 A. Yeah, probably two or three to</p> <p>5 various groups around the community.</p> <p>6 Q. What kind of groups?</p> <p>7 A. Church groups, Boy Scouts.</p> <p>8 Q. And you say -- you said on behalf</p> <p>9 of the sheriff's office.</p> <p>10 A. Uh-huh.</p> <p>11 Q. Have you -- have you done speaking</p> <p>12 on drugs for other purposes since you retired?</p> <p>13 A. Yes.</p> <p>14 Q. And can you tell me about that?</p> <p>15 A. I used to do a gig for a professor</p> <p>16 at Ursuline university on methamphetamines.</p> <p>17 Q. Teaching a class?</p> <p>18 A. Yes.</p> <p>19 Q. Was it a semester-long class or</p> <p>20 just specific classes?</p> <p>21 A. Just a -- yeah, just one -- just</p> <p>22 one class.</p> <p>23 Q. Anything else like that?</p> <p>24 A. No.</p> <p>25 Q. Have you been deposed before?</p>
<p style="text-align: right;">Page 19</p> <p>1 A. It was kind of generally what was</p> <p>2 out there at the time.</p> <p>3 Q. And when you say --</p> <p>4 A. Things that they could run into --</p> <p>5 officers on the street could run into.</p> <p>6 Q. All categories of drugs?</p> <p>7 A. You know, I don't recall. I was</p> <p>8 kind of interested in the fentanyl's, and I</p> <p>9 really didn't pay much attention to the other</p> <p>10 because I lived it all.</p> <p>11 Q. And why were you interested in the</p> <p>12 fentanyl's? Because it was new information,</p> <p>13 or --</p> <p>14 A. Because some of it I hadn't seen.</p> <p>15 Q. Okay. Do you recall any other kind</p> <p>16 of training that you've received since you</p> <p>17 retired that related to drugs?</p> <p>18 A. No.</p> <p>19 Q. And you said it's been a while</p> <p>20 since you spoke on behalf of the sheriff's</p> <p>21 office or for the sheriff's office. Do you</p> <p>22 recall about how many times you've done that</p> <p>23 since you retired?</p> <p>24 A. On behalf of the sheriff's office,</p> <p>25 probably a couple times.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Pardon me?</p> <p>2 Q. Have you ever had a deposition</p> <p>3 before?</p> <p>4 A. Yes.</p> <p>5 Q. How many times?</p> <p>6 A. Once.</p> <p>7 Q. And in what kind of case was that?</p> <p>8 A. It was in a -- a marijuana case.</p> <p>9 Q. And do you know where that was?</p> <p>10 A. It was in Akron.</p> <p>11 Q. In Akron?</p> <p>12 You say "a marijuana case." Was it</p> <p>13 a civil case?</p> <p>14 A. Yes.</p> <p>15 Q. And do you know what the claim was?</p> <p>16 A. They were blaming us for the -- an</p> <p>17 individual's death.</p> <p>18 Q. Do you know what the resolution was</p> <p>19 of the case?</p> <p>20 A. It was thrown out, federal court.</p> <p>21 Q. So I suspect, given that, I know</p> <p>22 the answer to this, but did you testify in</p> <p>23 trial in that case?</p> <p>24 A. I did not. Never went to trial.</p> <p>25 Q. Right. Okay.</p>

<p style="text-align: right;">Page 22</p> <p>1 A. The original case I did not. I</p> <p>2 mean, there was an original case, and then</p> <p>3 the -- the suit afterwards.</p> <p>4 Q. So there was an original criminal</p> <p>5 case?</p> <p>6 A. Yes.</p> <p>7 Q. I see. And then it -- and then it</p> <p>8 was a suit afterwards, which was the civil case</p> <p>9 you were deposed in?</p> <p>10 A. That's correct.</p> <p>11 Q. Okay. Thank you for that</p> <p>12 clarification.</p> <p>13 So you're -- are you saying you</p> <p>14 also did not testify at trial in the original</p> <p>15 case?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. Do you recall who the</p> <p>18 parties were in that case?</p> <p>19 A. No. No, I couldn't give you a name</p> <p>20 right now.</p> <p>21 Q. And what topics did you testify</p> <p>22 about in your deposition?</p> <p>23 A. The -- the witness -- the informant</p> <p>24 that we utilized.</p> <p>25 Q. Can you explain that a little bit</p>	<p style="text-align: right;">Page 24</p> <p>1 was cultivated, or what sort of --</p> <p>2 A. Whatever questions. I can't recall</p> <p>3 exactly what questions they asked me about him,</p> <p>4 but, yeah.</p> <p>5 Q. Okay. And you were -- were you</p> <p>6 testifying in your capacity as a County</p> <p>7 employee at the time?</p> <p>8 A. Yes.</p> <p>9 Q. Do you -- you said federal court.</p> <p>10 Do you remember which court?</p> <p>11 A. It was Northeastern District of</p> <p>12 Ohio here in Akron.</p> <p>13 Q. Okay.</p> <p>14 A. And I can't recall the judge's</p> <p>15 name. It was her first case.</p> <p>16 Q. And do you -- do you remember what</p> <p>17 year?</p> <p>18 A. No. It was a couple years before I</p> <p>19 left. I don't know exactly. I couldn't tell</p> <p>20 you exactly what year right now.</p> <p>21 Q. Do you remember roughly what year</p> <p>22 the underlying criminal case was?</p> <p>23 A. It would have been just before that</p> <p>24 case.</p> <p>25 Q. Okay. Sometimes there's a delay.</p>
<p style="text-align: right;">Page 23</p> <p>1 further?</p> <p>2 A. We had a case where we were buying</p> <p>3 marijuana from a suspect. The case was being</p> <p>4 handled by one of the detectives on the unit.</p> <p>5 He had an informant. We made good</p> <p>6 buys, made a good case. The -- when the</p> <p>7 individual was picked up, he made a declaration</p> <p>8 that the uniformed officer never wrote down,</p> <p>9 and, subsequently, they ended up putting our</p> <p>10 informant on the stand. He was a good</p> <p>11 informant; he was a bad witness, and they won</p> <p>12 the case.</p> <p>13 The university was the</p> <p>14 university -- Akron University student. The</p> <p>15 university had a zero tolerance policy, and</p> <p>16 they kicked the guy out.</p> <p>17 He went home to Pennsylvania, got a</p> <p>18 job at an insurance company, had some kind of</p> <p>19 problems. I don't know. Couldn't tell you</p> <p>20 what. And one day he got in his car and got on</p> <p>21 the Pennsylvania Turnpike, pulled over</p> <p>22 somewhere, and shot himself in the head, and it</p> <p>23 was our fault.</p> <p>24 Q. Okay. And so your testimony</p> <p>25 pertained to what about the informant? How he</p>	<p style="text-align: right;">Page 25</p> <p>1 That's why I ask.</p> <p>2 A. Yeah.</p> <p>3 Q. Okay. Well --</p> <p>4 A. A lot of water has gone over the</p> <p>5 dam since then, you know.</p> <p>6 Q. Yes, I -- I do understand.</p> <p>7 I know that you must have, but have</p> <p>8 you testified in trial before?</p> <p>9 A. Yes, I have.</p> <p>10 Q. About how many times?</p> <p>11 A. Probably three or four times.</p> <p>12 Q. Oh, really.</p> <p>13 A. Uh-huh.</p> <p>14 Q. Only that?</p> <p>15 A. Yeah. In my capacity, I was the</p> <p>16 director most -- like not the individuals doing</p> <p>17 the cases. I'd testify in -- in pretrial</p> <p>18 hearings and such, but not the actual trials.</p> <p>19 Q. Do you recall the subjects of the</p> <p>20 trials, the subject matter of the trials that</p> <p>21 you testified in?</p> <p>22 A. They were drug cases.</p> <p>23 Q. Any particular drugs that come to</p> <p>24 mind?</p> <p>25 A. I know I testified in coke cases,</p>

<p style="text-align: right;">Page 26</p> <p>1 testified in marijuana cases. I testified in a 2 case involving a -- a guy running a -- a 3 massage parlor. 4 Q. Was that a drug-related case? 5 A. No. 6 Q. Okay. Prostitution? Was it a 7 prostitution case? 8 A. It was -- at the time it was a 9 Summit County case. Summit County detective 10 bureau's case. 11 Q. Sorry. Maybe I asked the question 12 poorly. 13 You said it was about a massage 14 parlor. What kind of criminal case was it? 15 A. They were running an illegal -- you 16 could get whatever you wanted kind of massage. 17 Q. Okay. Do you recall ever having 18 testified in a case that involved opioids of 19 any form? 20 A. I can't recall. 21 Q. Well, you've done this before, but 22 I'm just going to go over a couple of ground 23 rules that you're already following. 24 So you understand that you are 25 testifying under oath today and that your</p>	<p style="text-align: right;">Page 28</p> <p>1 answer it, and I will do my best to do the same 2 for you. 3 Is that fair? 4 A. Yes. 5 Q. And, also, if you have a yes-or-no 6 answer, if you could answer audibly rather than 7 shaking your head, the court reporter -- 8 A. Okay. 9 Q. -- would appreciate it. 10 Your counsel may have objections, 11 but unless your counsel instructs you not to 12 answer a question, I will ask you to answer the 13 question. 14 MR. LEDLIE: If it's -- if you can. 15 MS. SAULINO: This is a very 16 standard rule of procedure. 17 MR. LEDLIE: And I've sat in on a 18 deposition with you. If he can answer without 19 guessing or speculating, by all means he will. 20 Q. Okay. Not really sure what the 21 instruction is there, but the Federal Rules 22 require that unless you are instructed not to 23 answer for a legitimate reason, then I will ask 24 you to answer the question. Okay? 25 A. Yes.</p>
<p style="text-align: right;">Page 27</p> <p>1 testimony has the same effect as if you were 2 testifying under oath in a court? 3 A. Yes. 4 Q. Is there any reason that you can't 5 give complete and truthful testimony today? 6 A. Not that I'm aware of. 7 Q. Are you on any kind of medications 8 or have any illness that might affect your 9 memory? 10 A. I am not. 11 Q. I will be asking you a lot of 12 questions today, as you know, as will, I think, 13 a couple of my colleagues here. 14 If you do not understand a question 15 I ask you, I would ask you to let me know and I 16 will rephrase it. But if you answer a question 17 that I've asked, I will assume that you've 18 understood it and are answering it to the best 19 of your ability. 20 Is that fair? 21 A. Yes. 22 Q. You can see that our court reporter 23 is typing everything that I say and everything 24 that you say, so I would ask that you wait 25 until I'm done asking a question before you</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. And finally, if you need a break at 2 any point, just let me know. I will take 3 breaks every so often, every hour or so, but if 4 you need a break, just let me know. I'm happy 5 to let you have it. 6 The only qualification I might put 7 on that is if there's a question pending, I 8 might ask you -- ask you to answer it before we 9 take the break, but then we can take a break. 10 Okay? 11 A. Yes. 12 Q. Captain, what did you do to prepare 13 for today's deposition? 14 A. I've retained counsel, and I've met 15 with counsel, I think -- this morning. It's 16 been, like, four times. 17 Q. And how long each time did you meet 18 with them? 19 A. About an hour. 20 Q. So only one hour each time, or were 21 there any of those times like a full day? 22 A. No, no, never. 23 Q. And when you say you met with 24 counsel, do you remember who you met with? 25 A. Yes. Gentleman here.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. Okay. Anyone else?</p> <p>2 A. The lady here, yeah.</p> <p>3 Q. We're used to folks not remembering</p> <p>4 our names, so don't worry about naming people.</p> <p>5 And do you recall whether there was</p> <p>6 anyone else in the room or on the phone while</p> <p>7 you were preparing?</p> <p>8 A. The first time there were some</p> <p>9 people in an outer office. I couldn't tell you</p> <p>10 who.</p> <p>11 Q. Were they a part of your session,</p> <p>12 or they were just there in a different office?</p> <p>13 A. I believe they were with the</p> <p>14 counsel at the time.</p> <p>15 Q. I see. On video?</p> <p>16 A. No.</p> <p>17 Q. On the telephone?</p> <p>18 A. I -- they were in another room. I</p> <p>19 couldn't tell you what they were doing.</p> <p>20 Q. They were not interacting with you?</p> <p>21 A. They were not.</p> <p>22 Q. Okay. And these roughly four</p> <p>23 sessions, over what period of time?</p> <p>24 A. Couple months.</p> <p>25 Q. Did you review any documents while</p>	<p style="text-align: right;">Page 32</p> <p>1 reports, but I don't recall which ones they</p> <p>2 were.</p> <p>3 Q. Anything else?</p> <p>4 A. No.</p> <p>5 Q. Do you remember looking at any</p> <p>6 e-mails?</p> <p>7 A. No.</p> <p>8 Q. Did any of the documents that you</p> <p>9 reviewed refresh your recollection about events</p> <p>10 that happened in the past?</p> <p>11 A. Yes.</p> <p>12 Q. Do you remember how?</p> <p>13 A. For example, the addendum that I</p> <p>14 wrote talked about our first meeting with</p> <p>15 fentanyl.</p> <p>16 Q. What do you mean when you say your</p> <p>17 first meeting with fentanyl?</p> <p>18 A. The first time we encountered it</p> <p>19 here in --</p> <p>20 Q. Oh.</p> <p>21 A. -- Summit County that we knew of.</p> <p>22 Q. Anything else that came -- that was</p> <p>23 refreshed when you looked at documents?</p> <p>24 A. No. Nothing that really stands</p> <p>25 out. Nothing that I hadn't known before.</p>
<p style="text-align: right;">Page 31</p> <p>1 you were preparing?</p> <p>2 A. Yes.</p> <p>3 Q. Did you review the complaint in</p> <p>4 this case?</p> <p>5 A. I have read it, yes.</p> <p>6 Q. You have read it, okay.</p> <p>7 Did you read it before it was</p> <p>8 filed?</p> <p>9 A. No.</p> <p>10 Q. Did you review the Plaintiff's</p> <p>11 interrogatory responses? Do you even know what</p> <p>12 that means when I ask that question?</p> <p>13 A. Yeah, could you write it in</p> <p>14 English?</p> <p>15 Q. If you don't know what that means,</p> <p>16 I'll come back to it later.</p> <p>17 A. Okay.</p> <p>18 Q. Okay. And did you review any</p> <p>19 documents that were produced in this case?</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember which ones?</p> <p>22 A. There was a -- an addendum to a</p> <p>23 grant proposal that I wrote.</p> <p>24 Q. Anything else that you remember?</p> <p>25 A. Yeah. A couple other small</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Did you review any documents that</p> <p>2 were not produced in this case, to your</p> <p>3 knowledge?</p> <p>4 A. To my knowledge, I have no idea.</p> <p>5 Q. Did you do anything else to</p> <p>6 prepare, other than meet with counsel?</p> <p>7 A. No.</p> <p>8 Q. Did you look at anything on your</p> <p>9 own?</p> <p>10 A. No.</p> <p>11 Q. Talk to anybody?</p> <p>12 A. No.</p> <p>13 Q. Have you talked to anybody else</p> <p>14 that's been involved in this litigation about</p> <p>15 their depositions?</p> <p>16 A. I have not. Don't even know who</p> <p>17 all's been deposed.</p> <p>18 Q. Now, I know you said that you read</p> <p>19 the complaint in this lawsuit. Are you</p> <p>20 familiar with the general subject matter of</p> <p>21 this lawsuit?</p> <p>22 A. I am familiar with what's in the</p> <p>23 complaint.</p> <p>24 Q. What do you know about it?</p> <p>25 A. That a lot of very bad things</p>

<p style="text-align: right;">Page 34</p> <p>1 happened.</p> <p>2 Q. And what makes you say that?</p> <p>3 A. From my reading of the complaint,</p> <p>4 it is my opinion --</p> <p>5 Q. Well, sir, I'm just asking you what</p> <p>6 makes you say that a lot of very bad things</p> <p>7 happened. You're basing that on your reading</p> <p>8 of the complaint?</p> <p>9 A. Yes, yes.</p> <p>10 Q. When did you first become aware of</p> <p>11 the lawsuit?</p> <p>12 A. Couple months ago.</p> <p>13 Q. How?</p> <p>14 A. I was contacted by the County's</p> <p>15 counsel.</p> <p>16 Q. I'm sorry. By the --</p> <p>17 A. County's counsel.</p> <p>18 Q. Oh, by the County's counsel. Okay.</p> <p>19 And was that because you were going</p> <p>20 to be deposed?</p> <p>21 A. Yes.</p> <p>22 Q. You had not heard about the lawsuit</p> <p>23 before that?</p> <p>24 A. I knew about the State's. I did</p> <p>25 not know the County was doing the same.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Did you grow up in the Akron area?</p> <p>2 A. I grew up in Stow.</p> <p>3 Q. Where did you go to high school?</p> <p>4 A. Stow High School.</p> <p>5 Q. And did you go to college?</p> <p>6 A. For a few years.</p> <p>7 Q. Where did you go?</p> <p>8 A. Kent State.</p> <p>9 Q. And what did you study?</p> <p>10 A. I started out in anthropology and</p> <p>11 switched over to law enforcement.</p> <p>12 Q. Kind of a big switch.</p> <p>13 A. It takes a long time to be an</p> <p>14 archeologist.</p> <p>15 Q. Fair enough.</p> <p>16 Did you graduate from Kent State?</p> <p>17 A. I did not.</p> <p>18 Q. And why did you leave?</p> <p>19 A. I got a job at Summit County</p> <p>20 Sheriff's Office.</p> <p>21 Q. That's a good reason.</p> <p>22 Did -- have you done any other</p> <p>23 schooling, formalized schooling? We'll get to</p> <p>24 your specialized training in a moment. But</p> <p>25 anything -- any other college courses or</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. So I take it you were not involved</p> <p>2 in the decision to sue?</p> <p>3 A. No, ma'am.</p> <p>4 Q. And is it also true, then, that you</p> <p>5 didn't provide any information that went into</p> <p>6 the complaint when it was being drafted?</p> <p>7 A. That's correct, yeah.</p> <p>8 Q. Do you expect that you will testify</p> <p>9 at trial in this case?</p> <p>10 A. I have no idea.</p> <p>11 Q. Has anyone told you one way or the</p> <p>12 other?</p> <p>13 A. I get called, I get called.</p> <p>14 Q. And who else from Summit County do</p> <p>15 you expect would testify at trial in this case?</p> <p>16 MR. LEDLIE: Object to the form of</p> <p>17 the question.</p> <p>18 A. I would have no idea.</p> <p>19 Q. Other than through your work, do</p> <p>20 you know anyone who has suffered an opioid</p> <p>21 over- -- overdose?</p> <p>22 A. Personally, no.</p> <p>23 Q. Has anyone close to you suffered</p> <p>24 from any kind of opioid use disorder?</p> <p>25 A. No one close to me that I know.</p>	<p style="text-align: right;">Page 37</p> <p>1 training courses of that sort?</p> <p>2 A. No.</p> <p>3 Q. Okay. I'd like to go through your</p> <p>4 specialized training.</p> <p>5 So you would have graduated from</p> <p>6 the basic police officer's training academy?</p> <p>7 A. That is correct.</p> <p>8 Q. And when was that?</p> <p>9 A. I believe 1979.</p> <p>10 Q. And then I understand that there</p> <p>11 was a basic and advanced narcotic</p> <p>12 investigator's school conducted by the Ohio</p> <p>13 attorney general's office; is that right?</p> <p>14 A. Probably a bunch of them, yes.</p> <p>15 Q. And did you attend them?</p> <p>16 A. I attended quite a few.</p> <p>17 Q. Okay. Do you know about how many?</p> <p>18 A. I couldn't tell you. I can tell</p> <p>19 you there's a stack of documents of training</p> <p>20 about that thick with schooling that I did.</p> <p>21 Q. Where is that stack of documents?</p> <p>22 A. The Summit County Sheriff's Office</p> <p>23 training bureau.</p> <p>24 Q. So explain to me what you mean.</p> <p>25 Your stack of documents, or what are you</p>

<p style="text-align: right;">Page 38</p> <p>1 referring to there?</p> <p>2 A. Certificates of completion.</p> <p>3 Q. I see. So you kept your</p> <p>4 certificates of completion?</p> <p>5 A. They do, yes.</p> <p>6 Q. Who's they?</p> <p>7 A. The training bureau.</p> <p>8 Q. And it's your understanding that</p> <p>9 they have a large stack of them somewhere?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know where that is?</p> <p>12 A. It's in their offices.</p> <p>13 Q. Have you seen it?</p> <p>14 A. Uh-huh.</p> <p>15 Q. How recently?</p> <p>16 A. Oh, it's been a while. Probably a</p> <p>17 couple of months ago, because we were looking</p> <p>18 for a document and we couldn't find it.</p> <p>19 Q. Why were you --</p> <p>20 A. In regard- --</p> <p>21 Q. Oh, go ahead.</p> <p>22 A. It was in regards to my</p> <p>23 certification as a firearms instructor.</p> <p>24 Q. So it was not in relation to this</p> <p>25 case?</p>	<p style="text-align: right;">Page 40</p> <p>1 able to see all of the training courses you</p> <p>2 have taken?</p> <p>3 A. Yes. Or at least whatever ones</p> <p>4 they put in there. Can't -- I can't tell you</p> <p>5 for sure that every one is in there.</p> <p>6 Q. Do you have your own list of any</p> <p>7 sort or a CV?</p> <p>8 A. No.</p> <p>9 Q. No?</p> <p>10 A. No.</p> <p>11 Q. Do you recall having graduated from</p> <p>12 the basic narcotics investigation school by the</p> <p>13 DEA?</p> <p>14 A. Yes.</p> <p>15 Q. And do you recall when that was?</p> <p>16 A. My best guess and speculation is</p> <p>17 probably around 1986, '87, somewhere in there.</p> <p>18 Q. And is that the kind of thing that</p> <p>19 you would then take again after several years,</p> <p>20 or is that just a one-time --</p> <p>21 A. No, that would have been a one-time</p> <p>22 deal.</p> <p>23 Q. Do you recall the complex analysis</p> <p>24 of narcotics intelligence school by the Ohio</p> <p>25 governor's Office of Criminal Justice Services?</p>
<p style="text-align: right;">Page 39</p> <p>1 A. No.</p> <p>2 Q. And it's your understanding that</p> <p>3 they have -- they continue to keep those</p> <p>4 certifications of yours in a file there</p> <p>5 somewhere?</p> <p>6 A. Yes. Any time we attend some kind</p> <p>7 of training.</p> <p>8 Q. Did you ask those -- ask for those</p> <p>9 certificates to be provided to counsel in this</p> <p>10 case?</p> <p>11 A. No.</p> <p>12 Q. Do you know whether anyone else</p> <p>13 did?</p> <p>14 A. I have no idea.</p> <p>15 Q. Were you asked at all about any</p> <p>16 kinds of documents to be provided in this case?</p> <p>17 A. No, other than I was asked if I had</p> <p>18 any. I have one. I have a copy of the</p> <p>19 addendum that I wrote that I kept, because I</p> <p>20 was kind of proud of that one.</p> <p>21 Q. Okay. Anything else that you have</p> <p>22 in your possession?</p> <p>23 A. No.</p> <p>24 Q. So is -- is it your belief that if</p> <p>25 we got that stack of certificates, we would be</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Sounds familiar.</p> <p>2 Q. Okay. About how -- if you -- if</p> <p>3 you had to give an estimate, about how many</p> <p>4 training courses in narcotics or drugs</p> <p>5 investigation have you taken over the years?</p> <p>6 A. I would guess upwards of 30 or</p> <p>7 better.</p> <p>8 Q. And maybe let's go at it from a</p> <p>9 different direction.</p> <p>10 Do you recall about how many a</p> <p>11 year?</p> <p>12 A. No. It would have varied. I mean,</p> <p>13 when the opportunity came, the opportunity</p> <p>14 came, so I have no idea.</p> <p>15 Q. How many of them do you recall</p> <p>16 having related to opioids?</p> <p>17 A. You know, I really don't know. The</p> <p>18 topic could have came up in any of them. But</p> <p>19 to be specific, I don't recall.</p> <p>20 Q. And more particularly, how many of</p> <p>21 them do you recall having related to</p> <p>22 prescription opioids?</p> <p>23 A. Well, obviously the DEA course</p> <p>24 would have been -- involved that. Complex</p> <p>25 analysis one certainly would have been one.</p>

<p style="text-align: right;">Page 42</p> <p>1 And after that, I can't tell you. I have no --</p> <p>2 no recall.</p> <p>3 Q. Do you remember the topic of</p> <p>4 opioids having been a topic throughout your</p> <p>5 career at these kinds of training courses?</p> <p>6 MR. LEDLIE: Object to the form of</p> <p>7 the question.</p> <p>8 A. I mean, were they mentioned? They</p> <p>9 probably were. I mean, prescription drugs.</p> <p>10 Q. Okay. And just so that we're</p> <p>11 framing this the same way, your career -- when</p> <p>12 I say "your career," I mean starting in 1979</p> <p>13 and moving forward. You remember prescription</p> <p>14 drugs having come out -- come up throughout</p> <p>15 those years?</p> <p>16 A. Sure.</p> <p>17 Q. Do you remember specifically the</p> <p>18 topic of drug addiction or diversion -- and</p> <p>19 when I say "addiction," I mean for prescription</p> <p>20 opioids -- or diversion coming up in these</p> <p>21 courses throughout the years?</p> <p>22 MR. LEDLIE: Object to the form of</p> <p>23 the question.</p> <p>24 A. In -- in trainings in regards to</p> <p>25 diversion, obviously there would have been</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. How long was the training, the</p> <p>2 initial basic training?</p> <p>3 A. I want to say somewhere between 280</p> <p>4 and 400 hours.</p> <p>5 Q. So I'm just trying to understand</p> <p>6 the time period there. So you took that course</p> <p>7 in '79 or '80 and started in March of '82 at</p> <p>8 the sheriff's office?</p> <p>9 A. Yes.</p> <p>10 Q. But you had left Kent State because</p> <p>11 you had a job at the sheriff's office, right?</p> <p>12 Or wrong?</p> <p>13 A. Let me think.</p> <p>14 Okay. I've got -- I've got to try</p> <p>15 and put years together now.</p> <p>16 Q. I know. It was a long time ago. I</p> <p>17 appreciate it.</p> <p>18 A. All right. I -- I left Kent. When</p> <p>19 I left Kent, I worked for the City of Stow, and</p> <p>20 I became a reserve officer there. And then,</p> <p>21 during that time period is when I was at</p> <p>22 the aca- -- I was able to do the academy. And</p> <p>23 then I worked all those other little odds-</p> <p>24 and-end jobs. And in 1982, I was hired by the</p> <p>25 sheriff's office.</p>
<p style="text-align: right;">Page 43</p> <p>1 prescription opioids involved.</p> <p>2 Q. Do you know how many of those you</p> <p>3 went to?</p> <p>4 A. I couldn't tell you.</p> <p>5 Q. And is there any particular time</p> <p>6 period that you remember having attended those</p> <p>7 diversion courses?</p> <p>8 A. No, I really can't tell you.</p> <p>9 Q. So you did basic police officer's</p> <p>10 training in 1979, right? I wrote that down</p> <p>11 right?</p> <p>12 A. Somewhere in there, yes. '79, '80,</p> <p>13 yeah.</p> <p>14 Q. So when did you first join the</p> <p>15 sheriff's office?</p> <p>16 A. In March of 1982.</p> <p>17 Q. So what did you do in between the</p> <p>18 training and the -- joining the sheriff's</p> <p>19 office?</p> <p>20 A. Let's see. While I was going</p> <p>21 through the basic academy, I worked. I was a</p> <p>22 security guard for the County of Summit and the</p> <p>23 commissioners. I also did a gig for an armored</p> <p>24 car company called Armet, who are no longer in</p> <p>25 business.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Were you a reserve officer in Stow</p> <p>2 that whole time that you just mentioned before</p> <p>3 you started at the sheriff's office?</p> <p>4 A. When I -- after I graduated from</p> <p>5 the sheriff's academy -- or the Ohio Peace</p> <p>6 Officers Academy, I became a special with the</p> <p>7 sheriff's office.</p> <p>8 Q. Oh, so I see. So first --</p> <p>9 A. So, basically, it's a reserve with</p> <p>10 the sheriff.</p> <p>11 Q. So you were a reserve first, but</p> <p>12 then once you graduated, the title changed; is</p> <p>13 that right?</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question.</p> <p>16 Q. I'm not trying to be confusing.</p> <p>17 I'm trying to understand. So if you could just</p> <p>18 tell me.</p> <p>19 A. The ti- -- well, I went from the</p> <p>20 police department in Stow to the sheriff's</p> <p>21 office.</p> <p>22 Q. Okay. Thank you.</p> <p>23 What was your first position at the</p> <p>24 sheriff's office?</p> <p>25 A. I was a jailer.</p>

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1 Q. A jailer?

2 A. Uh-huh.

3 Q. What did that entail?

4 A. Keeping people locked up.

5 Q. How long did you have that

6 position?

7 A. About a year.

8 Q. And what did you move on to next?

9 A. I moved into intake, into -- as a

10 booking officer.

11 Q. And was that for all kinds of

12 crimes?

13 A. Yes.

14 Q. And how long were you an intake

15 booking officer?

16 A. I don't know. Maybe a year, year

17 and a half.

18 Q. What came next?

19 A. Scientific investigation unit.

20 Q. What was that?

21 A. Basically, we did photographs,

22 fingerprints, kept the files on all the cases.

23 Q. Were you out doing testing in the

24 field, or were you working in a lab?

25 A. A little of both.

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1 Q. Did you have any specialized

2 training for that position?

3 A. I think I went to some fingerprint

4 schools.

5 Q. What came next?

6 A. I went to the detective bureau,

7 general assignment.

8 Q. When was that?

9 A. In 1985.

10 Q. And when you say you went to the

11 detective bureau, does that mean that you

12 became a detective?

13 A. Yes.

14 Q. Did you have to take any further

15 training in order for that to happen?

16 A. No.

17 Q. Was there, like, a detective school

18 of any sort?

19 A. No.

20 Q. And was that a promotion?

21 A. It was a -- I don't if you want to

22 call it a promotion. I didn't make any more

23 money. But it was a step up. It was an

24 advancement.

25 Q. And you said general at that point?

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1 A. Yes.

2 Q. And what did that mean?

3 A. That means whatever cases came down

4 the line, the supervisor of the unit handed you

5 a case; "Go get them." Could have been a

6 burglary, could have been a rape, could have

7 been a homicide, could have been anything.

8 Q. How long were you in the -- in that

9 position?

10 A. About a year, year and a half.

11 Q. Okay. What came next?

12 A. I moved into narcotics.

13 Q. And so when was that?

14 A. Probably sometime between '86, '87,

15 somewhere in there.

16 Q. What was your position when you

17 moved into narcotics?

18 A. I was an investigator.

19 Q. And was the narcotics a part of the

20 detective bureau?

21 A. Yes and no. We were all housed in

22 the same area, but we specialized in narcotics

23 cases.

24 Q. How many of you were there at the

25 time?

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1 A. Maybe three of us.

2 Q. Do you remember who your supervisor

3 was?

4 A. I do. I'm kind of blank. It will

5 come to me.

6 Q. So you say you were specialized but

7 in some sense as a part of the detective

8 bureau? Did I understand that correctly?

9 A. Yes.

10 Q. And how did that fit sort of in the

11 overall structure of the sheriff's department?

12 A. Okay. I'm not sure I understand

13 where you're going there.

14 Q. I'm just trying to understand sort

15 of where the narcotics -- was it a narcotics

16 unit?

17 A. Yes.

18 Q. -- where the narcotics fit in in

19 the sort of overall structure.

20 A. We were part of the investigative

21 bureau.

22 Q. Okay. And just so that I can get

23 an understanding of context, how big was the

24 investigative bureau? How many officers?

25 A. At the time I would guess there was

<p style="text-align: right;">Page 50</p> <p>1 about 14, 15 of us. 2 My supervisor was Lieutenant 3 Scalise. 4 Q. Nice work. 5 What was your next position? 6 A. As a supervisor in the narcotics 7 unit. 8 Q. Same unit, or had it changed at 9 that point? 10 A. Personnel-wise there was different 11 people, but... 12 Q. And when was that that you became a 13 supervisor? 14 A. Somewhere around 1990. I can't be 15 exactly sure. 16 Q. Do you know what I mean when I say 17 CENTAC? 18 A. Yes. 19 Q. What is that? 20 A. CENTAC was a specialized unit that 21 was funded by a grant by the State of Ohio to 22 do narcotics investigations. 23 Q. When did it exist? 24 A. Around that same time period, 25 19- -- late '80s, early '90s, and on through</p>	<p style="text-align: right;">Page 52</p> <p>1 A. We were both doing drug cases, so 2 we would interact. 3 Q. Were you housed in the same place? 4 A. For a while, yes. 5 Q. Can you explain? 6 A. At the -- at the early beginnings, 7 we were -- the person running the CENTAC was 8 part of the detective bureau, and we were all 9 in the same area. 10 As they grew, they moved out. 11 Q. I see. Okay. So at the beginning 12 of CENTAC, the person running CENTAC was 13 working right in your bureau with you? 14 MR. LEDLIE: Object to the form of 15 the question. 16 A. In -- 17 MR. LEDLIE: You can answer. 18 A. It was in the investigative bureau, 19 yes. 20 Q. But not in your narcotics unit? 21 A. Correct. 22 Q. Did they have a different mission 23 or objective than yours? 24 A. I'm not sure what their mission 25 statement was exactly. Couldn't tell you.</p>
<p style="text-align: right;">Page 51</p> <p>1 until it -- it was actually disbanded somewhere 2 around 2000. 3 Q. Were you a part of it? 4 A. I worked with them, yes. 5 Q. Okay. Let me make sure I 6 understand. 7 Were they -- when you say they were 8 a specialized unit, were they separate from 9 your narcotics unit? 10 A. Yes. 11 Q. So both existed at the same time -- 12 A. Uh-huh. 13 Q. -- the narcotics unit and CENTAC? 14 A. Yes. 15 Q. And you were, during that period of 16 time, in, and then became a supervisor of the 17 narcotics unit, right? 18 A. That is correct. 19 Q. And CENTAC had its own members and 20 supervisor? 21 A. Yes. 22 Q. Okay. But you say you worked with 23 them? 24 A. Yes. 25 Q. How did that work?</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. How did you split up cases? 2 A. We did -- we took -- we did 3 whatever cases came down the line. Someone 4 called in and we got an informant or something, 5 we did that. If they got something going and 6 they needed some bodies, we helped them out. 7 Q. So what I'm trying to ask is, why 8 two units if they did the same thing? Was 9 there any difference between the two? 10 A. I would assume -- and I'm 11 speculating here. I can't tell you. But, you 12 know, we got funding to do investigations. 13 Q. So I'm not asking you to speculate. 14 I'm asking based on your experience having 15 worked in the narcotics unit at the same time 16 that CENTAC existed, and you told me that you 17 worked with them, what is your understanding of 18 the difference between the two units, if 19 anything? 20 A. Probably the biggest thing was 21 personnel from various agencies. 22 Q. Can you tell me more about that? 23 A. Like the drug unit, similar to the 24 drug unit, agencies around the county could put 25 a man in there, and that enabled them to expand</p>

<p style="text-align: right;">Page 54</p> <p>1 their -- their investigations, gave them 2 manpower. 3 Q. Did you understand CENTAC to be a 4 multijurisdictional task force? 5 A. Yes. 6 Q. Okay. And -- 7 A. That's why you got people from -- 8 coming in from different jurisdiction- -- from 9 different agencies, different jurisdictions. 10 Q. Do you know whether any federal 11 agencies were a part of CENTAC? 12 A. There were, yes. 13 Q. Do you -- which ones? 14 A. I believe the FBI was there. DEA 15 was there. At one time or another, IRS. ATF. 16 And I don't know if there were any others. 17 Q. Did your narcotics unit contribute 18 manpower to CENTAC? 19 A. Yes. 20 Q. How many people? 21 A. There were, what, three of us, four 22 of us maybe. 23 Q. So you worked on CENTAC? 24 MR. LEDLIE: Object to the form of 25 the question.</p>	<p style="text-align: right;">Page 56</p> <p>1 of the -- of the sheriff's office. 2 Q. Did the sheriff's office pay the 3 salaries, benefits, overtime of the officers 4 working for CENTAC? 5 MR. LEDLIE: Object to the form of 6 the question. 7 A. The sheriff's office paid the 8 salaries of the sheriff's personnel. 9 Q. Including those who worked for 10 CENTAC? 11 A. Pardon me? 12 Q. Including those who worked for 13 CENTAC? 14 A. The sheriff's office paid the 15 salaries of the sheriff's personnel. If you 16 were not the sheriff's personnel, you weren't 17 paid by the sheriff. 18 So in other words, an officer from 19 Akron didn't get paid by the sheriff, or an 20 officer from any other jurisdictions around 21 here did not get paid by the sheriff. 22 Q. Okay. Was -- was there sheriff's 23 personnel working specifically for CENTAC? 24 A. Yes. 25 Q. And those sheriff's personnel were</p>
<p style="text-align: right;">Page 55</p> <p>1 A. We worked with them. Eventually, 2 we kind of combined down the road. 3 Q. Okay. So when did that happen? 4 A. Well, it was a few years. You know 5 what? I can't give you an exact answer. I 6 don't know. I don't recall. Everything just 7 kind of fused, and we went along our way, and 8 it just -- exact dates I don't know. 9 Q. So just so that I make sure I 10 understand. So for a period you were two 11 separate units; is that right? 12 A. Yes. 13 Q. And then after a period of time, 14 you became one unit? 15 A. We were all working towards the 16 same goal. 17 Q. Which was? 18 A. To do narcotics investigations. 19 Q. Fair enough. But when you say you 20 were working towards the same goal, did you 21 have the same supervisory chain? 22 A. Guys were in and out even in -- I 23 would -- to answer your question, yes, because 24 it was under the -- the guise of the sheriff's 25 office, so it would have been the supervisors</p>	<p style="text-align: right;">Page 57</p> <p>1 paid by the sheriff's office? 2 A. Yes. 3 Q. Other than the narcotics unit, 4 which we've discussed, and CENTAC, were there 5 any other groups or divisions in the sheriff's 6 office that had responsibility for narcotics 7 enforcement during your time there? 8 A. No. I mean, if you were a patrol 9 officer and stopped a car and there were drugs 10 in the car, you obviously took action. But 11 specifically, no. 12 MR. LEDLIE: Is this a good spot 13 for our first break? It's been an hour. 14 MS. SAULINO: Sure. That's fine. 15 THE VIDEOGRAPHER: Off the record, 16 10:04. 17 (A recess was taken.) 18 THE VIDEOGRAPHER: On the record at 19 10:20. 20 BY MS. SAULINO: 21 Q. Okay. Captain Baker, when we 22 broke, we were talking about the Summit County 23 Drug Unit and CENTAC in the late '80s through 24 the '90s. 25 MR. LEDLIE: Objection.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q. Do you recall that?</p> <p>2 MR. LEDLIE: Object to the form of</p> <p>3 the question. Misstates testimony.</p> <p>4 A. Yes.</p> <p>5 Q. Do you think we were talking about</p> <p>6 something different?</p> <p>7 MR. LEDLIE: Object to the form of</p> <p>8 the question.</p> <p>9 A. I'm not sure.</p> <p>10 Q. I don't mean to be in any way</p> <p>11 misstating testimony. I was just trying to,</p> <p>12 like, get us back going again. So if you think</p> <p>13 I've misstated something, please just tell me.</p> <p>14 Now, you became, as I understand</p> <p>15 it, the commander of the Summit County Drug</p> <p>16 Unit in 2001; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. And is it correct that you were the</p> <p>19 drug unit -- the Summit County Drug Unit's</p> <p>20 first commander?</p> <p>21 A. Yes.</p> <p>22 Q. And how did your assign- --</p> <p>23 A. Well, not really.</p> <p>24 Q. Okay.</p> <p>25 A. They existed. There was a sergeant</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. But that was a different narcotics</p> <p>2 unit than the drug unit we're talking about</p> <p>3 now, right?</p> <p>4 A. Correct. They're two separate</p> <p>5 units.</p> <p>6 Q. Okay. Can you explain? I don't</p> <p>7 want to get it wrong, and so I'm just trying to</p> <p>8 understand.</p> <p>9 A. All right. Within the sheriff's</p> <p>10 investigative unit, there was the detective</p> <p>11 bureau, there was the narcotics unit.</p> <p>12 As a separate entity that had</p> <p>13 sheriff's personnel and other personnel from</p> <p>14 around the county and the federal government,</p> <p>15 there was CENTAC. And they existed as their</p> <p>16 own entity, but we both kind of merged in and</p> <p>17 out of each other, depending on the case.</p> <p>18 Q. And during what period of time</p> <p>19 was -- was this arrangement that you're talking</p> <p>20 about now?</p> <p>21 A. From the time CENTAC was formed to</p> <p>22 the time that they ended.</p> <p>23 Q. And during that period of time, you</p> <p>24 officially, as far as titles go, became a</p> <p>25 supervisor in the narcotics unit?</p>
<p style="text-align: right;">Page 59</p> <p>1 up there at the time.</p> <p>2 Q. And were you a subordinate of the</p> <p>3 sergeant?</p> <p>4 A. No.</p> <p>5 Q. So where were you at the time?</p> <p>6 A. At the time, I was working in the</p> <p>7 corrections unit.</p> <p>8 Q. When did you go to the corrections</p> <p>9 unit?</p> <p>10 A. Let's see. Kind of back and forth,</p> <p>11 so sometime in the mid-'90s. Mid to late '90s.</p> <p>12 Q. Okay. So stepping back. So you</p> <p>13 were in the predecessor drug unit, right?</p> <p>14 A. Yeah, kind of. Like I say, we</p> <p>15 were -- we were separate, but we infused back</p> <p>16 and forth. There was always -- there was</p> <p>17 always a narcotics unit, there was CENTAC, and</p> <p>18 the players kind of back and forth.</p> <p>19 Q. Okay. And that was in the late</p> <p>20 '80s and through the '90s?</p> <p>21 A. CENTAC existed up until the drug</p> <p>22 unit came about.</p> <p>23 Q. Okay. And you were a supervisor in</p> <p>24 the narcotics unit around 1990?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Yes.</p> <p>2 Q. But you were -- that was during the</p> <p>3 period of time when you were also sort of</p> <p>4 working with CENTAC; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And then it sounds as</p> <p>7 though, from your answer a few moments ago,</p> <p>8 that somewhere in there you left the narcotics</p> <p>9 unit.</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And you went to the</p> <p>12 corrections unit?</p> <p>13 A. Yes.</p> <p>14 Q. Anywhere else? When you left the</p> <p>15 narcotics unit, before you came back to be the</p> <p>16 commander of the drug unit, was there anywhere</p> <p>17 else besides the corrections unit that you</p> <p>18 went?</p> <p>19 A. I was with court services for a</p> <p>20 while.</p> <p>21 Q. All right. And I apologize if I've</p> <p>22 already asked you this, but when did you -- do</p> <p>23 you recall when you left the narcotics unit?</p> <p>24 A. Yeah, somewhere in mid to late</p> <p>25 '90s.</p>

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1 Q. Mid to late --
 2 A. I can't recall exactly what -- what
 3 the date was.
 4 Q. Okay. And did you go first to
 5 court services, or first to the corrections
 6 unit?
 7 A. No, I went to corrections.
 8 Q. Okay. And how long do you recall
 9 having been there?
 10 A. Well, if I left there -- if I left
 11 narcotics in, let's say, '95 and I ended up
 12 back in narcotics again in 2001, between court
 13 services and corrections, it would have been,
 14 what, six years?
 15 Q. Why did you leave the narcotics
 16 unit?
 17 A. I work at the whim of the sheriff.
 18 He puts me where he wants me.
 19 Q. So it was not your choice?
 20 A. No.
 21 Q. Were you a supervisor?
 22 A. Yes.
 23 Q. In the -- the corrections unit that
 24 you went to?
 25 A. Yes.

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1 Q. And did you have -- were you told
 2 anything by the sheriff as to why you were
 3 reassigned?
 4 A. No. They send me where they want
 5 to.
 6 Q. Despite your relatively long
 7 experience at that point in narcotics?
 8 MR. LEDLIE: Object to the form of
 9 the question.
 10 A. Yeah. The sheriff -- the sheriff
 11 puts me wherever he needs me.
 12 Q. Did you ask to stay?
 13 A. No. I do what I'm told.
 14 Q. Did you keep ties with the
 15 narcotics unit during the time that you were
 16 gone?
 17 A. I'm sure I spoke to some of them,
 18 but I'm not -- I'm not sure exactly what --
 19 what you mean by ties. What they were doing, I
 20 don't know what their specific cases were, if
 21 that's what you're asking. No idea.
 22 Q. Did you have an understanding of
 23 what CENTAC was doing during that period of
 24 time?
 25 A. They were working whatever cases

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1 they were working.
 2 Q. Fair enough. But did you -- did
 3 you have any understanding of what they were
 4 doing?
 5 MR. LEDLIE: Object to the form of
 6 the question.
 7 A. They were doing their cases. I
 8 don't -- I couldn't tell you what cases they
 9 were doing.
 10 Q. Are you aware of allegations that
 11 CENTAC was mismanaged?
 12 A. Yes.
 13 Q. And --
 14 A. That's why they were disbanded.
 15 Q. That's your understanding as to why
 16 they were disbanded?
 17 A. Again, that's a decision of the
 18 sheriff.
 19 Q. What did you know about it?
 20 A. I knew that the sheriff thought
 21 that they had lost their way.
 22 Q. How did you know that?
 23 A. I was the commanding officer, and
 24 they were moving me back into the drug unit.
 25 Q. Did anyone say anything to you?

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1 A. As in directly, "Hey, we're going
 2 to do this," no.
 3 Q. Indirectly?
 4 A. They were having a problem with
 5 them. They disbanded them.
 6 Q. And how did you know they were
 7 having a problem with them?
 8 A. I don't know. You have -- when
 9 you're standing around the water cooler, do you
 10 know there's a problem with somebody in your --
 11 in your office?
 12 Q. That's exactly what I'm asking. Do
 13 you remember having --
 14 A. Yeah, that's -- I mean, nobody came
 15 to me and said, hey, you know, they're doing
 16 this or doing that. It just -- it was kind of,
 17 I don't know, a general knowledge, I guess, if
 18 you will.
 19 Q. And what was the general knowledge?
 20 A. That they had kind of lost their
 21 direction.
 22 Q. In what way?
 23 A. They were supposed to be focused on
 24 narcotics cases, and they were kind of going
 25 off grid, doing other cases.

<p style="text-align: right;">Page 66</p> <p>1 Q. And what was your understanding of</p> <p>2 how they were going off grid?</p> <p>3 A. They weren't focusing on what they</p> <p>4 were supposed to do, what they were designed to</p> <p>5 do.</p> <p>6 Q. Which was what?</p> <p>7 A. Narcotics cases.</p> <p>8 Q. So they -- to your understanding,</p> <p>9 they were not adequately focusing on drug</p> <p>10 crimes?</p> <p>11 MR. LEDLIE: Object to the form of</p> <p>12 the question.</p> <p>13 A. Yeah. Like I said, they had gone</p> <p>14 off on a tangent.</p> <p>15 Q. What kind of tangent, to your</p> <p>16 understanding?</p> <p>17 A. They weren't doing drug cases.</p> <p>18 Q. Now, you -- you said that before</p> <p>19 you became the commander of the Summit County</p> <p>20 Drug Unit in 2001, you understood that the unit</p> <p>21 had been formed but there was a sergeant?</p> <p>22 A. Yes.</p> <p>23 Q. And do you recall when the unit was</p> <p>24 formed with a sergeant?</p> <p>25 A. Probably about 2- -- around 2000,</p>	<p style="text-align: right;">Page 68</p> <p>1 officers from some of the various</p> <p>2 jurisdictions.</p> <p>3 Q. Do you remember any in particular?</p> <p>4 A. There was a guy from Copley, and I</p> <p>5 can't recall his name.</p> <p>6 Q. And the new sheriff that you</p> <p>7 referred to in 2000, was that Sheriff</p> <p>8 Alexander?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember a FBI agent named</p> <p>11 Keith Thornton?</p> <p>12 A. Yes.</p> <p>13 Q. And what was his role?</p> <p>14 A. Keith Thornton was part of the</p> <p>15 administration. He was an inspector, and I</p> <p>16 reported to him.</p> <p>17 Q. Did you understand that it was his</p> <p>18 job to restructure CENTAC?</p> <p>19 A. He was given that task.</p> <p>20 Q. And you say you reported to him?</p> <p>21 A. I did.</p> <p>22 Q. In your role as commander of the</p> <p>23 new Summit County Drug Unit?</p> <p>24 A. Yes.</p> <p>25 Q. And did you work with him to</p>
<p style="text-align: right;">Page 67</p> <p>1 when the new sheriff came in.</p> <p>2 Q. So just to make sure I understand</p> <p>3 the chronology, to your recollection the Summit</p> <p>4 County Drug Unit was formed when the new</p> <p>5 sheriff came in, prior to CENTAC being</p> <p>6 disbanded?</p> <p>7 A. I -- I think there was a -- the</p> <p>8 narcotics unit was there. It was housed with</p> <p>9 CENTAC at the time.</p> <p>10 When CENTAC was disbanded, the</p> <p>11 players became the Summit County Drug Unit. So</p> <p>12 it was a name change, and in some cases</p> <p>13 personnel changes as well.</p> <p>14 Q. Which personnel changes, to your</p> <p>15 recollection?</p> <p>16 A. Pardon me?</p> <p>17 Q. Which personnel changes that you</p> <p>18 recall?</p> <p>19 A. The guy kind of running it was</p> <p>20 moved out.</p> <p>21 Q. The guy running CENTAC?</p> <p>22 A. Yes.</p> <p>23 Q. Do you remember who that was?</p> <p>24 A. Larry Limbert.</p> <p>25 They got rid of some of the</p>	<p style="text-align: right;">Page 69</p> <p>1 restructure CENTAC?</p> <p>2 A. I don't know that I worked with him</p> <p>3 to "restructure it" restructure it. I just</p> <p>4 went to work, did my job, and they told me what</p> <p>5 they were going to do.</p> <p>6 Q. Who told you?</p> <p>7 A. Keith.</p> <p>8 Q. And what do you recall him telling</p> <p>9 you?</p> <p>10 A. Basically, that it was going to be</p> <p>11 the drug unit, and that I was going to run</p> <p>12 this, and we were going to do drug</p> <p>13 investigations.</p> <p>14 Q. And do you recall that having been</p> <p>15 in contrast to what CENTAC had been doing?</p> <p>16 MR. LEDLIE: Object to the form of</p> <p>17 the question.</p> <p>18 A. Yeah, I believe I've already</p> <p>19 answered that. They were going off on a</p> <p>20 tangent, not doing drug cases.</p> <p>21 Q. Did you understand -- did you have</p> <p>22 any understanding that CENTAC had been misusing</p> <p>23 its forfeiture powers?</p> <p>24 A. I have no clue about that.</p> <p>25 Q. Do you remember any specific</p>

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1 changes that Agent Thornton made?
2 A. Well, he obviously changed the
3 name. And we did drug cases.
4 Q. Did the restructuring cause any
5 problems that you had to deal with?
6 MR. LEDLIE: Object to the form of
7 the question.
8 A. I didn't have any problems with
9 anybody.
10 Q. What about, did you find that you
11 had lost any institutional knowledge from the
12 team?
13 A. I don't think.
14 Q. Were there any missing files?
15 A. Not that I'm aware of.
16 Q. Do you recall anything having been
17 scrapped or destroyed from CENTAC?
18 A. No. Nothing I can recall.
19 Q. Were you operating, to your
20 understanding, under different rules than
21 CENTAC had been?
22 MR. LEDLIE: Object to the form.
23 A. We were doing drug cases and not
24 going off on any tangent, doing anything else.
25 Q. When you came in as the commander,

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1 I don't suppose you recall what month that was.
2 A. No. No, I can't recall. It
3 wasn't -- it wasn't long after the sheriff was
4 sworn in, but I don't know. I can't tell you.
5 Q. Did you go through any kind of an
6 application process?
7 A. No.
8 Q. Interviews?
9 A. No.
10 Q. Did you tell anybody you were
11 interested in the position?
12 A. I may have made mention to
13 Inspector Thornton.
14 Q. And is that -- I'm sorry. That's
15 the proper way to refer to him, Inspector
16 Thornton?
17 A. Uh-huh.
18 Q. Thank you. So you recall having
19 talked to him before you were assigned as the
20 commander?
21 A. Yeah.
22 Q. And why were you talking with him?
23 A. Because I wanted to be the
24 commander.
25 Q. And at the time you were -- were

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1 you in court services at the time?
2 A. Either court services or
3 corrections. Probably corrections at that
4 time.
5 Q. What made you want to be the
6 commander at the newly formed Summit County
7 Drug Unit?
8 A. We all have our niche. It's drug
9 work.
10 Q. Sure. You'd done six years,
11 though, not in your niche, right?
12 MR. LEDLIE: Object to the form.
13 A. What's that?
14 Q. You had been, for six years, out of
15 your niche, right?
16 MR. LEDLIE: Object to the form of
17 the question.
18 A. Right.
19 Q. Why hadn't you tried to come back
20 sooner?
21 MR. LEDLIE: Object to the form of
22 the question.
23 A. Again, I work at the whim of the
24 sheriff, so he puts me where he wants me.
25 Q. Well, but you, this time, inquired

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1 about a position, right?
2 A. New sheriff in town.
3 Q. Am I to understand that the new
4 sheriff was more amenable to making changes
5 like that?
6 MR. LEDLIE: Object to the form of
7 the question.
8 A. Yeah, I -- I have no idea what his
9 mindset was or is.
10 Q. So what is the relevance of the new
11 sheriff?
12 A. It was a new face.
13 Q. So you didn't feel that you could
14 ask to be returned to the drug unit before?
15 MR. LEDLIE: Object to the form of
16 the question.
17 A. Yeah, I have no -- I have no idea.
18 Wasn't my place. I go where I'm told to go.
19 Q. I -- I understand, and you've said
20 that several times, and I completely respect
21 that. I'm just trying to figure out why this
22 time you thought it was okay to ask for the
23 position.
24 A. Why not.
25 Q. But you just hadn't thought "why

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1 not" prior to that?

2 A. It was a new position coming open,

3 so why not throw your name in the hat.

4 Q. Did you not want to work with

5 CENTAC?

6 MR. LEDLIE: Object to the form of

7 the question.

8 A. You know, I work -- my job was to

9 work as an investigator. That's what I did.

10 So if there's an opportunity to be an

11 investigator, then I wanted to be an

12 investigator.

13 Q. Did you not approve of what they

14 were doing?

15 A. I -- I don't know. I don't know

16 what they were doing at the time.

17 Q. But you were not actively trying to

18 be a part of it, right?

19 MR. LEDLIE: Object to the form of

20 the question.

21 A. I was trying to be a part of

22 anything I could be a part of.

23 Q. Sir, I do understand that, but you

24 did get to a point where you wanted to come

25 back to your niche, right? You told me that a

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1 moment ago, right?

2 MR. LEDLIE: Counsel, this has been

3 probed extensively. This is not a form

4 objection.

5 MS. SAULINO: Sir --

6 MR. LEDLIE: This is an objection

7 to your conduct, and if you would like us to --

8 MS. SAULINO: Sir, I will remind

9 you of the Judge's comments about the 15

10 seconds of commentary that's not --

11 MR. LEDLIE: Please don't cut me

12 off. If we need to --

13 MS. SAULINO: Well, I'm cutting you

14 off because you --

15 MR. LEDLIE: If we need to seek

16 protective order at this time, then we will.

17 He's answered your questions repeatedly.

18 MS. SAULINO: Sir, I am perfectly

19 within my rights to ask these questions. I'm

20 asking them politely, and I will continue to

21 ask the questions that I need to ask in order

22 to complete this deposition.

23 Please stop interrupting, please

24 stop making speeches on the record, and please

25 recall the Judge's commentary about that.

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1 Thank you.

2 MR. LEDLIE: Counsel, under the

3 Federal Rules of Civil Procedure, you will not

4 berate this witness or seek --

5 MS. SAULINO: I am in no way

6 berating this witness, sir.

7 MR. LEDLIE: Ma'am, there's a

8 record here, and we'll --

9 MS. SAULINO: Yes, there is.

10 MR. LEDLIE: -- get a ruling on it.

11 MS. SAULINO: Yes there is. I am

12 in no way berating this witness. We have a

13 videotape.

14 MR. LEDLIE: He has -- you have

15 asked him extensively about this.

16 MS. SAULINO: Okay. Let's go off

17 the record.

18 MR. LEDLIE: Let's get the Court.

19 Let's stay on the record.

20 MS. SAULINO: I am not going to

21 waste my time listening to you make speeches.

22 MR. LEDLIE: Ask your next

23 question.

24 MS. SAULINO: Are you done?

25 Q. Sir, I completely understand that

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1 you may not want to denigrate anyone

2 unnecessarily.

3 I'm just trying to understand,

4 during that period of time where CENTAC was

5 operating, and you were not working in what you

6 called your niche, the narcotics unit, why it

7 was you weren't trying to work there. That's

8 all.

9 A. I don't know. I was moved. I did

10 my job.

11 Q. But the fact is that you, during

12 that period of time, weren't trying to work in

13 your niche, right?

14 A. Pardon me?

15 Q. You weren't trying to work in your

16 niche, right? During the time that CENTAC was

17 operating towards the end of the '90s?

18 MS. RION: Objection.

19 Mischaracterizes testimony.

20 A. I'm not sure I -- I'm not sure I

21 get that.

22 Q. Okay. I'm just going back over

23 what we were just talking about.

24 A. Right.

25 Q. So that I make sure that I

<p style="text-align: right;">Page 78</p> <p>1 understand.</p> <p>2 You developed a niche in narcotics.</p> <p>3 It's where you were at the beginning; it's</p> <p>4 where you came back to and stayed once you came</p> <p>5 back, right?</p> <p>6 MR. LEDLIE: Object to the form.</p> <p>7 A. That's correct.</p> <p>8 Q. Okay. For about a period of six</p> <p>9 years or so, at the end of the 1990s, while</p> <p>10 CENTAC was operating --</p> <p>11 A. Uh-huh.</p> <p>12 Q. -- you went elsewhere, right?</p> <p>13 A. Correct.</p> <p>14 Q. And you didn't do anything to try</p> <p>15 to get back to CENTAC and the narcotics unit,</p> <p>16 right?</p> <p>17 A. Correct.</p> <p>18 Q. And you're not willing to say any</p> <p>19 more about why?</p> <p>20 MR. LEDLIE: Object to the form.</p> <p>21 MS. RION: Objection.</p> <p>22 A. I don't know.</p> <p>23 Q. You don't know?</p> <p>24 A. I don't know why. They move me,</p> <p>25 they move me. That's all I can say. I work at</p>	<p style="text-align: right;">Page 80</p> <p>1 there others in there?</p> <p>2 A. He was my boss, and he was directly</p> <p>3 under the sheriff.</p> <p>4 Q. And what were his responsibilities</p> <p>5 with respect to the Summit County Drug Unit?</p> <p>6 A. I have no idea, other than he</p> <p>7 oversaw what was going on, what I told him was</p> <p>8 going on.</p> <p>9 Q. Did you have regular meetings with</p> <p>10 him?</p> <p>11 A. Yes.</p> <p>12 Q. Did you provide regular reports to</p> <p>13 him?</p> <p>14 A. I would let him know what was going</p> <p>15 on, what investigation we had going on.</p> <p>16 Q. How?</p> <p>17 A. Usually by sitting down in his</p> <p>18 office, word of mouth.</p> <p>19 Q. Were there any written reports of</p> <p>20 any sort that you provided to him?</p> <p>21 A. Oh, I'm sure there was.</p> <p>22 Q. Any kind -- anything regular that</p> <p>23 you recall?</p> <p>24 A. Anything regular? No.</p> <p>25 Q. Like a weekly recap or something</p>
<p style="text-align: right;">Page 79</p> <p>1 the whim of the sheriff.</p> <p>2 Q. But -- just to make sure that I</p> <p>3 understand the record, but when there was a new</p> <p>4 sheriff, you were comfortable asking for a</p> <p>5 position back in your niche in narcotics,</p> <p>6 right?</p> <p>7 MR. LEDLIE: Object to the form.</p> <p>8 A. Yeah, I believe I answered that;</p> <p>9 that's what I did, yes.</p> <p>10 Q. Once you became the commander of</p> <p>11 the Summit County Drug Unit, what were your</p> <p>12 responsibilities?</p> <p>13 A. My job was to make sure that my</p> <p>14 people had the equipment they needed, make sure</p> <p>15 that we had the -- the personnel at whatever</p> <p>16 time frames that were needed for whatever</p> <p>17 investigations were going on.</p> <p>18 I was the liaison between the heads</p> <p>19 of all the departments and the drug unit. I</p> <p>20 reported directly to Inspector Thornton and/or</p> <p>21 the sheriff. I wrote grant requests.</p> <p>22 Q. And your understanding -- what was</p> <p>23 your understanding of Inspector Thornton's</p> <p>24 position with respect to the sort of</p> <p>25 organization between the sheriff and you? Were</p>	<p style="text-align: right;">Page 81</p> <p>1 like that?</p> <p>2 A. No.</p> <p>3 Q. Was there any sort of regular</p> <p>4 e-mail communication between you and him?</p> <p>5 A. No, not really.</p> <p>6 Q. So was it mainly in person or</p> <p>7 telephone?</p> <p>8 A. In person, face-to-face, yeah, over</p> <p>9 the phone. Hey, we got this going on, we have</p> <p>10 this going on.</p> <p>11 Q. And what about with respect to the</p> <p>12 sheriff? Did you report sort of through</p> <p>13 Inspector Thornton to the sheriff, or was he</p> <p>14 the one reporting to the sheriff about what you</p> <p>15 were doing?</p> <p>16 A. Yeah, mostly I would report to</p> <p>17 Inspector Thornton. He would report to the</p> <p>18 sheriff. Sometimes I would report directly to</p> <p>19 the sheriff.</p> <p>20 Q. Okay. And so similar questions</p> <p>21 with respect to the sheriff. Was there any</p> <p>22 kind of written -- regular written</p> <p>23 communication?</p> <p>24 A. No. No, that was a --</p> <p>25 Q. Was there e-mail or --</p>

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1 A. -- no, come into your office, and,
 2 "Hey, by the way."
 3 Q. Do you recall how long Inspector
 4 Thornton was in his position?
 5 A. He was there when I came on, and he
 6 left just prior to when I left, so I would say
 7 he probably left about a year before I did.
 8 Q. And when you say when you left, you
 9 mean when you retired?
 10 A. Retired, yes, ma'am.
 11 Q. Do you recall who took his place?
 12 A. Nobody.
 13 Q. So -- so for that maybe year, was
 14 it just you reporting directly to the sheriff?
 15 A. Yes.
 16 Q. In 2001, when you first started,
 17 how many officers reported to you?
 18 A. Let me think. There were three or
 19 four from the SO. There was an Akron. There
 20 was FBI, DEA. There was ATF. Cuyahoga Falls.
 21 Q. I can hear you thinking out loud.
 22 Maybe we should just go through it step by
 23 step, because it sounds like there were
 24 different types of officers that were reporting
 25 to you. Is that fair?

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1 A. Yes.
 2 Q. Okay. So let's start with those
 3 from the sheriff's office. About how many of
 4 those? Three or four; is that right?
 5 A. Yes.
 6 Q. And then I think I heard you say
 7 there was FBI?
 8 A. Yes.
 9 Q. So you had an FBI officer that was
 10 detailed to you?
 11 A. An FBI agent, yes, ma'am.
 12 Q. And just one?
 13 A. Yes.
 14 Q. Okay. And DEA?
 15 A. DEA, one.
 16 Q. One? Okay. And --
 17 A. ATF, one.
 18 Q. And then I think -- who else did
 19 you say?
 20 A. Somebody from Cuyahoga Falls.
 21 Q. From the Cuyahoga Falls Police
 22 Department?
 23 A. Police department, yes. And Copley
 24 switched out, put a different guy in.
 25 Q. Different than the one who had been

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1 on CENTAC?
 2 A. Yes.
 3 Q. So there was one from Copley?
 4 A. I -- yes.
 5 Q. Okay.
 6 A. They were there from the get-go.
 7 Q. What about --
 8 A. Barberton.
 9 Q. Pardon?
 10 A. Barberton had an officer.
 11 Q. Did the Akron Police Department
 12 provide any?
 13 A. Yes, Akron had an officer there.
 14 There was --
 15 Q. One from Akron?
 16 A. -- Akron University, one.
 17 Q. So wait, sorry. One from Akron
 18 police?
 19 A. Yes.
 20 Q. And then one from Akron University?
 21 A. Yes.
 22 Q. Okay.
 23 A. I believe that was the core group,
 24 and then we kind of added as we went.
 25 Q. So that would have been in 2001 the

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1 core group?
 2 A. Yes.
 3 Q. And how many --
 4 A. From my recollection.
 5 Q. Sure. And how many of those that
 6 you just named were actually a part of the
 7 sheriff's office budget, so were paid salaries
 8 and overtime were paid by the sheriff's office?
 9 A. Just the sheriff's deputies.
 10 Q. So the -- so you plus the four?
 11 Three or four?
 12 A. Yes.
 13 Q. And the rest were paid by their
 14 respective jurisdictions?
 15 A. That is correct.
 16 Q. What about their technology and
 17 their other equipment that they needed? Who
 18 paid for that?
 19 MR. LEDLIE: Object to the form.
 20 A. Like, vehicles we got, we got -- we
 21 were able to get through grants, so the -- the
 22 unit paid for that. Their personal equipment,
 23 most of that is their personal equipment they
 24 brought with them.
 25 Q. All right. And then, by the time

<p style="text-align: right;">Page 86</p> <p>1 you left, in 2012, how had the makeup of that 2 group changed, if at all? 3 A. We had another DEA agent. 4 Q. So two total? 5 A. We had two total. One of the very 6 few organizations across the country that had 7 more than one DEA agent in it. 8 We had -- we were on the verge of 9 merging with the Akron Police Department's 10 narcotics unit, which has already been -- 11 that's been successfully completed about the 12 same time I left. 13 We had a customs guy for a while, 14 and then customs changed their mission when 15 they went to the border patrol. 16 I had a dog handler from 17 Reminderville. 18 Q. From where? 19 A. Huh? 20 Q. Where was the dog handler from? 21 A. Reminderville. 22 Q. And a dog? 23 A. Yeah. Had two, actually. 24 Yeah, pretty much the makeup, as 25 far as the departments, was pretty much the</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. That's -- that's the understanding 2 I can get from what you just said? 3 A. Yes. 4 Q. Okay. And two dogs. 5 Okay. And then you mentioned the 6 merger with the Akron Police Department 7 narcotics unit; is that right? 8 A. Yes. 9 Q. You recall that happening in 2012? 10 A. The groundwork was being laid. 11 Q. Okay. Did you -- were you part of 12 the sort of impetus for that? 13 A. Yes, we were trying to put that 14 together. 15 Q. Was it your idea? 16 A. My idea? No. 17 Q. Do you remember whose it was? 18 A. No. 19 Q. And did you personally do any work 20 towards making that happen? 21 A. Yes. 22 Q. What do you recall having done? 23 A. We went out and searched locations. 24 Of course, during the interim, we were trying 25 to work together as much as we possibly could.</p>
<p style="text-align: right;">Page 87</p> <p>1 same when I left. A couple of guys in and out 2 from Reminderville, but other than that, 3 when -- when they were able to merge everybody, 4 we obviously became a pretty substantial group. 5 Q. Was it still, as far as the 6 sheriff's office salaries and overtime and 7 benefits go, was it still, when you left, you 8 plus three or four sheriff's officers? 9 A. Yes. 10 Q. Okay. So anyone else paid for by 11 the sheriff's office at that point? 12 A. No. 13 Q. But it sounds like the group had 14 gotten somewhat bigger even prior to the 15 merger; is that right? 16 A. Yeah, a couple bodies here and 17 there. 18 Q. A couple of bodies? Okay. 19 So is that -- is it fair to say 20 that it was relatively consistently the same 21 size between 2001 and 2012, with a few bodies 22 maybe here or there at times; is that right? 23 MR. LEDLIE: Object to the form of 24 the question. 25 A. Yeah, I believe that's what I --</p>	<p style="text-align: right;">Page 89</p> <p>1 And we were housed in the same -- in the same 2 building. We were a doorway between each 3 other. 4 Q. Let me -- let me just interrupt you 5 for a second. 6 MS. SAULINO: Can we remind the 7 folks on the phone to be on mute, please? 8 Q. I'm really sorry about that. 9 Please continue. 10 A. Right. I mean, we were housed a 11 doorway between each other, and we interacted 12 every day. 13 Q. And that was even before the sort 14 of formal merger? Is that -- 15 A. Yes. We were -- 16 Q. When did -- 17 A. -- part of the HIDTA together as 18 well. 19 Q. You were part of the HIDTA 20 together? 21 A. Yes. 22 Q. When was it that you were housed 23 together and working closely together every 24 day? 25 A. Would have been -- actually, on</p>

<p style="text-align: right;">Page 90</p> <p>1 9/11 we were moving from our offices to -- to 2 an office space where we were all -- all 3 together. 4 Q. Oh. That's what you were doing 5 that day? 6 A. Yep. 7 Q. Wow. 8 A. For a short period of time, 9 anyways, and then I was moved on. 10 Q. Yes. I suspect you were rerouted 11 that day to other activities. 12 A. Yes. 13 Q. Okay. But around that time is when 14 you moved offices? 15 A. Uh-huh. 16 Q. Okay. Are you familiar with the 17 Ohio Task Force Commanders Association? 18 A. Yes. 19 Q. And were you a member of it? 20 A. I was. 21 Q. For how long? 22 A. Let's see. When did we form? We 23 formed probably in the early 2000s, and I 24 remained a member until I retired. 25 Q. Were you one of the founding</p>	<p style="text-align: right;">Page 92</p> <p>1 forces. 2 Q. Was any of that specific to 3 opioids? 4 A. The information that was reported, 5 some of it, yes. 6 Q. What about the lobbying? 7 A. That was funding so that we could 8 continue to keep our task forces running. 9 Q. But was any of that lobbying 10 specific to task forces focused on opioids? 11 MR. LEDLIE: Object to the form of 12 the question. 13 A. It was to keep narcotics task 14 forces running. 15 Q. Narcotics task forces in general? 16 A. Narcotics task forces in general, 17 yes, ma'am. 18 Q. And you said you would give data to 19 the State. Who -- who or what entity at the 20 State? 21 A. The Ohio Governor's Office of 22 Justice Services, also known as OCJS. 23 Q. Now, I understand that you at some 24 point held a leadership role in the Ohio Task 25 Force Commanders Association?</p>
<p style="text-align: right;">Page 91</p> <p>1 members? 2 A. Yes. 3 Q. And I guess more specifically, were 4 you one of the people who decided that it 5 should be a group? 6 MR. LEDLIE: Object to the form. 7 A. That was kind of a joint venture 8 there. 9 Q. With who? 10 A. With the other task force 11 commanders. 12 Q. And who were they? Where were they 13 from and what did they do? 14 A. All over the state. They did the 15 same thing I did. 16 Q. So narcotics task forces? 17 A. Yes. 18 Q. And what did you do as a part of 19 that organization? 20 A. We provided data to the State as 21 far as all our various investigations, and kind 22 of give them a picture of what was kind of 23 going on all over the state. 24 We lobbied the legislature for a 25 permanent funding solution for all the task</p>	<p style="text-align: right;">Page 93</p> <p>1 A. Yes. I was president. 2 Q. Is there a short way of saying that 3 acronym? 4 A. OTFCA. 5 Q. OTFCA? That what you say? Okay. 6 That's what I was asking. 7 You were the president? 8 A. Yes. 9 Q. For what period of time? 10 A. Two or three years. Two or three 11 years. 12 Q. And as the president of OTFCA, did 13 you take any action to focus OTFCA on opioid 14 enforcement? 15 A. No. 16 Q. And did you take any action, either 17 as the president or prior to being the 18 president, to focus OTFCA on prescription drug 19 trafficking? 20 A. No. 21 Q. When specifically were you 22 president? 23 A. I don't recall exact dates. 24 Q. Was it towards the end of your 25 career?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. It would have been probably in the 2 mid to early, late 2000s. So somewhere between 3 2005 and probably 2009, '10, somewhere in 4 there. 5 Q. Okay. And I'm realizing that I 6 missed a step in one of -- in my previous 7 question. 8 Did you ever take any action, 9 including before, during or after being 10 president of OTFCA, to focus OTFCA on 11 prescription drug trafficking? 12 A. No. 13 MR. LEDLIE: Object to the form of 14 the question. 15 Q. Have you -- do you recall 16 prescription drug trafficking or enforcement 17 having been a focus of OTFCA's at anyone's 18 instigation? 19 MR. LEDLIE: Object to the form of 20 the question. 21 A. Our mission was to lead the state 22 in narcotics investigations. Part of that was 23 education. We provided pamphlets in regards to 24 prescription drugs for various programs and 25 public addresses.</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Did your media-related 2 responsibilities involve anything related to 3 drug enforcement? 4 A. It was all drug enforcement. 5 Q. All drug enforcement? Okay. And 6 what about opioids specifically? 7 A. I did talk to them about heroin one 8 time, I recall. 9 Q. Do you remember when that was? 10 A. No. 11 Q. Other than that one time, do you 12 remember any other opioid-related media 13 responsibility? 14 A. No, not really. Other than -- I 15 mean, there may have been press releases put 16 out when we made cases or finish cases, it 17 could have contained that, but I can't tell you 18 specifics. 19 Q. And would you have written those 20 press releases? 21 A. Yes. 22 Q. During what period of time would 23 you have been responsible for writing press 24 releases for narcotics cases? 25 A. 2001 until whenever they --</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. Okay. That's helpful. Thank you. 2 Anything beyond that that you 3 recall having been a particular focus of 4 OTFCA's on prescription drug trafficking? 5 A. No. I mean, other than just 6 information that we shared back and forth. 7 Q. Among each other? 8 A. Yes. 9 Q. I understand you have had some 10 responsibility for speaking to the media on 11 behalf of the County? 12 A. Yes. 13 Q. And when was that? 14 A. Various times throughout my career. 15 Q. What about during the 2001 to 2012 16 period? 17 A. Yeah, some. At some point, the -- 18 the sheriff's office had a -- a point man 19 for -- for their media information. 20 Q. And so does that mean at that -- at 21 the point that they had a point man, you 22 stopped talking to the media? 23 A. Right. 24 Q. And do you remember when that was? 25 A. Not offhand.</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Whenever the sheriff's office hired 2 a point man? 3 A. Yes. 4 Q. Okay. And have you -- well, we've 5 already discussed to some extent that you have 6 made speeches and public presentations related 7 to narcotics, right? 8 A. Yes. 9 Q. Do you have notes or other 10 documents, like PowerPoint presentations or 11 anything like that, from any of your 12 presentations? 13 A. Yeah. I imagine there's some 14 someplace. 15 Q. Where would they be? 16 A. The PowerPoints are on an old 17 computer. It's so old they can't even use the 18 current technology to show them, so. 19 Q. And when you say "on an old 20 computer," one -- your personal computer? 21 A. No. 22 Q. Do you still have the computer? 23 A. It's what -- it belongs to the drug 24 unit. 25 Q. So they -- do you know if they</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 still have it?</p> <p>2 MR. LEDLIE: Object to the form of</p> <p>3 the question.</p> <p>4 A. It's there, yeah.</p> <p>5 Q. You know it's there?</p> <p>6 A. Uh-huh.</p> <p>7 Q. How do you know it's there?</p> <p>8 A. It's there because it's been in my</p> <p>9 possession. They just haven't been able to use</p> <p>10 it, but it's -- I just haven't taken it back</p> <p>11 and handed it to them.</p> <p>12 Q. Oh, I see. So you -- you</p> <p>13 physically have it.</p> <p>14 A. I have it.</p> <p>15 Q. Okay. I apologize if I asked the</p> <p>16 question in a confusing way. That's -- that's</p> <p>17 what I meant to ask. You -- you still</p> <p>18 physically have the computer?</p> <p>19 A. Yes.</p> <p>20 Q. But it is their computer?</p> <p>21 A. Correct.</p> <p>22 Q. And did anyone ask you if they</p> <p>23 could search that computer in relation to this</p> <p>24 litigation?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. At your home, okay.</p> <p>2 Did you have any files where you</p> <p>3 kept notes of the type that I've been asking</p> <p>4 about that you left at the sheriff's office?</p> <p>5 A. There were all kinds of files</p> <p>6 there, yeah.</p> <p>7 Q. Do you know what has become of</p> <p>8 those?</p> <p>9 A. I have no clue.</p> <p>10 Q. Now, I -- I know from -- from some</p> <p>11 research that you've given a number of public</p> <p>12 statements about meth use; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. Is it -- is it right that the</p> <p>15 largest proportion of your public speeches have</p> <p>16 been about meth?</p> <p>17 A. Yes.</p> <p>18 Q. And why is that?</p> <p>19 A. We were focused on that at the</p> <p>20 time. That's what the sheriff's office wanted</p> <p>21 us to do. And so we went about on a campaign</p> <p>22 of public information and awareness.</p> <p>23 Q. When you say "at the time," what</p> <p>24 time period are you talking about?</p> <p>25 A. Probably from 2002-ish on.</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. What else related to Summit County</p> <p>2 narcotics enforcement would be on that</p> <p>3 computer?</p> <p>4 A. Nothing that I know of.</p> <p>5 Q. How long ago was it that you last</p> <p>6 looked at it?</p> <p>7 A. Oh, I don't know. Four or five</p> <p>8 years.</p> <p>9 Q. So is it possible that there are</p> <p>10 things on there that you're not remembering?</p> <p>11 A. It's always a possibility.</p> <p>12 Q. Okay. What about printed copies of</p> <p>13 notes or handwritten notes or other printed</p> <p>14 copies of presentations that you've given? Do</p> <p>15 you know where those might be?</p> <p>16 A. The sheriff's office might have</p> <p>17 a -- I used to have some with it. I don't know</p> <p>18 if they're there or not.</p> <p>19 Q. When you say "there," you mean at</p> <p>20 home or in your old office?</p> <p>21 A. With the computer.</p> <p>22 Q. With the computer, okay.</p> <p>23 And where is the computer</p> <p>24 physically?</p> <p>25 A. At my home.</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. Until you --</p> <p>2 A. There were a lot of meth labs here.</p> <p>3 Q. Until you retired?</p> <p>4 A. Yes.</p> <p>5 Q. Did you agree with that as -- as a</p> <p>6 focus?</p> <p>7 A. I was told to do that, and that's</p> <p>8 what we did.</p> <p>9 Q. I understand that, but now I'm</p> <p>10 asking you whether you agreed with it or</p> <p>11 whether you thought there should be a different</p> <p>12 focus.</p> <p>13 A. I don't know. At the time we were</p> <p>14 well inundated with methamphetamine, and it was</p> <p>15 an important thing to do.</p> <p>16 Q. Did you think that there was</p> <p>17 anything more important than methamphetamine as</p> <p>18 a focus?</p> <p>19 MR. LEDLIE: Object to the form of</p> <p>20 the question.</p> <p>21 A. Our job was to enforce drug laws</p> <p>22 and inform the public and keep them safe, and</p> <p>23 that was a pressing fact, a pressing problem at</p> <p>24 the time.</p> <p>25 Q. Meth was?</p>

<p style="text-align: right;">Page 102</p> <p>1 A. Yes.</p> <p>2 Q. Is it correct that you have made</p> <p>3 fewer statements or presentations about</p> <p>4 opioids?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall about how many</p> <p>7 statements or presentations you've made about</p> <p>8 opioids?</p> <p>9 A. Maybe a dozen, give or take. I</p> <p>10 don't know for sure.</p> <p>11 Q. Over what period of time? The</p> <p>12 whole time you were the commander?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And just so I have an</p> <p>15 understanding of context, that's out of how</p> <p>16 many total statements or presentations?</p> <p>17 A. Yeah, I have no idea how many I</p> <p>18 did. I did a lot.</p> <p>19 Q. Is it hundreds?</p> <p>20 A. I couldn't -- I couldn't be</p> <p>21 accurate. I don't know for sure. All I know</p> <p>22 is I did a lot.</p> <p>23 Q. Do you have any idea of the volume</p> <p>24 per year?</p> <p>25 MR. LEDLIE: Object to form.</p>	<p style="text-align: right;">Page 104</p> <p>1 outside the state?</p> <p>2 A. Correct.</p> <p>3 Q. And do you recall what you talked</p> <p>4 about?</p> <p>5 A. Yes. I talked about the</p> <p>6 prescription drug problem.</p> <p>7 Q. What specifically?</p> <p>8 A. With respect to opioids, the amount</p> <p>9 of overdose deaths there were, the amount of</p> <p>10 overdoses in general.</p> <p>11 Q. Did you have a prepared statement</p> <p>12 for that?</p> <p>13 A. I had a slideshow.</p> <p>14 Q. Do you know where that slideshow is</p> <p>15 now?</p> <p>16 A. Might still be on a stick. I</p> <p>17 can't -- I can't say for certain.</p> <p>18 Q. Do you know whether you have any</p> <p>19 printouts of it?</p> <p>20 A. I don't recall having any.</p> <p>21 Q. When you say it might still be on a</p> <p>22 stick, do you know whether that stick would be</p> <p>23 physically in your possession or --</p> <p>24 A. Yes.</p> <p>25 Q. It would be?</p>
<p style="text-align: right;">Page 103</p> <p>1 A. It varied.</p> <p>2 Q. Per month?</p> <p>3 MR. LEDLIE: Object to the form of</p> <p>4 the question.</p> <p>5 A. Yeah, I don't know. I really --</p> <p>6 really couldn't tell you. I mean, some days I</p> <p>7 did them every -- every day a week, and some</p> <p>8 days I didn't. I don't know. I don't know.</p> <p>9 Q. A lot more than a dozen?</p> <p>10 MR. LEDLIE: Object to the form of</p> <p>11 the question.</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Do you recall appearing on</p> <p>14 an opioid panel at a conference in 2014?</p> <p>15 A. Yeah. I don't know what the date</p> <p>16 was, but I recall.</p> <p>17 Q. Where was that?</p> <p>18 Let me ask the question --</p> <p>19 A. It was either children services</p> <p>20 or --</p> <p>21 Q. I think I asked the question in</p> <p>22 a -- in a vague way. Was it specific to Summit</p> <p>23 County, this conference?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So it wasn't somewhere</p>	<p style="text-align: right;">Page 105</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And I take it no one has</p> <p>3 asked you for such sticks?</p> <p>4 A. They have not.</p> <p>5 Q. Okay. When you say that you talked</p> <p>6 about overdose deaths and -- and other things</p> <p>7 related to the prescription drug problem, were</p> <p>8 you using statistics?</p> <p>9 A. I was using statistics, yes.</p> <p>10 Q. Where did you get those statistics?</p> <p>11 A. Some of them came from the</p> <p>12 coroner's office. Some of them came from the</p> <p>13 Ohio Department of Health. And probably</p> <p>14 wherever else I could find something.</p> <p>15 Q. In preparing for that panel, did</p> <p>16 you reach out to these offices and ask them for</p> <p>17 statistics?</p> <p>18 A. The information, the statistics,</p> <p>19 that came from the State is online. Get that</p> <p>20 anywhere. And the coroner's office, obviously,</p> <p>21 we had to make a call.</p> <p>22 Q. Do you recall having made any</p> <p>23 statements about your views on the causes of</p> <p>24 the opioid prescription drug problem?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 106</p> <p>1 Q. During your time -- well, let me 2 just make sure that -- that I have this 100 3 percent right. 4 From 2001 to 2012, you were the 5 commander of the Summit County Drug Unit; is 6 that right? 7 A. That's correct. 8 Q. So your position did not change 9 during that time period? 10 A. It did not. 11 Q. And for most of that time, you had 12 one individual, Inspector Thornton, between you 13 and the sheriff; is that right? 14 A. Yes. 15 Q. Except for the very end where it 16 was just a direct reporting line? 17 A. Correct. 18 Q. During that period of time, then, 19 are you the person most familiar with the 20 processes and procedures of the Summit County 21 Drug Unit? 22 MR. LEDLIE: Object to the form of 23 the question. 24 A. I ran it, so, yes. 25 Q. During the period of time that you</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Did you ever try to find out? 2 A. I believe I answered that. No. 3 Q. And during your career, did the 4 sheriff's office or the Summit County Drug Unit 5 ever compare the population of any particular 6 city or township within Summit County to the 7 number of prescription medications entering 8 that city or township? 9 MR. LEDLIE: Object to the form of 10 the question. 11 A. I recall seeing some data one time 12 in regards to one of the operations in the 13 southern part of the -- the state that 14 indicated an extremely high level of 15 prescription opioids being distributed there. 16 Q. Sir, my question was about Summit 17 County, and you seem to be referring to the 18 southern part of the state. 19 A. Well -- 20 MR. LEDLIE: Object to the form of 21 the question. He's trying to answer the 22 question. 23 MS. SAULINO: Actually, he's not. 24 I'm trying to make sure that he understood my 25 question.</p>
<p style="text-align: right;">Page 107</p> <p>1 were the commander, did the Summit County Drug 2 Unit ever monitor the number of prescriptions 3 written in Summit County of any drug? 4 A. Specifically and intentionally 5 monitor, no. 6 Q. During your time as commander of 7 the Summit County Drug Unit, did the unit ever 8 monitor the volume of medications entering 9 Summit County legally? 10 MR. LEDLIE: Object to the form of 11 the question. 12 A. We wouldn't -- yeah, we wouldn't 13 have information to that. 14 Q. You wouldn't have information about 15 that? 16 A. No. 17 Q. Did you ever try to get it? 18 A. No. 19 Q. During your career, did the 20 sheriff's office or the drug unit ever compare 21 the population of Summit County to the number 22 of prescription medications entering Summit 23 County? 24 A. No, because we had no clue what was 25 coming in.</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. You recall I asked about Summit 2 County in particular, sir? 3 MR. LEDLIE: Ma'am, you asked about 4 any particular city. 5 MS. SAULINO: In Summit County. 6 Q. I can read my question back. "And 7 during your career, did the sheriff's 8 office" -- 9 MS. SAULINO: I need to make it 10 stop scrolling. 11 Q. "Did the sheriff's office" -- 12 MS. SAULINO: How do I make it stop 13 scrolling? There we go. 14 I'll ask the court reporter to read 15 it. 16 (Record read.) 17 MR. LEDLIE: Object to the form of 18 the question. 19 Q. I'd ask you to answer that 20 question, sir. 21 A. No. 22 Q. Have you ever heard of OARRS? 23 A. Yes. 24 Q. And what is your understanding of 25 what OARRS is?</p>

<p style="text-align: right;">Page 110</p> <p>1 A. OARRS is a database that shows</p> <p>2 where patients are being prescribed and/or are</p> <p>3 receiving medications from across the state.</p> <p>4 Q. When did you first hear about</p> <p>5 OARRS?</p> <p>6 A. I don't remember the exact date</p> <p>7 when that was.</p> <p>8 Q. Do you have a rough time period?</p> <p>9 A. Somewhere between 2001 and 2012.</p> <p>10 Q. And did you use OARRS as a part of</p> <p>11 your work?</p> <p>12 A. Yes.</p> <p>13 Q. How often?</p> <p>14 A. Whenever we got a call.</p> <p>15 Q. What did you use it for? What did</p> <p>16 you do with it?</p> <p>17 A. When we got a call in regards to a</p> <p>18 prescription case, we would look up the -- the</p> <p>19 target to determine whether or not they were</p> <p>20 legitimate or they were doctor shopping or</p> <p>21 doctor hopping, whichever.</p> <p>22 Q. And what about OARRS would allow</p> <p>23 you to make that determination?</p> <p>24 A. It would show us their</p> <p>25 prescriptions.</p>	<p style="text-align: right;">Page 112</p> <p>1 A. I have no idea. Couldn't tell you.</p> <p>2 Q. And you say that pharmacists had</p> <p>3 access. Do you know what type of access they</p> <p>4 had?</p> <p>5 A. No.</p> <p>6 Q. Do you know what uses they were</p> <p>7 allowed to put that information to?</p> <p>8 A. I do not.</p> <p>9 Q. And without access to OARRS, would</p> <p>10 you have been able to make the determinations</p> <p>11 that you just described you used OARRS for?</p> <p>12 MR. LEDLIE: Object to the form of</p> <p>13 the question.</p> <p>14 A. It's hard to say. It could have</p> <p>15 taken a lot of legwork, possibly.</p> <p>16 Q. And when you say it could have</p> <p>17 taken a lot of legwork, what kind of legwork?</p> <p>18 A. Visiting the various pharmacies,</p> <p>19 see whether or not those individuals had gotten</p> <p>20 prescriptions there.</p> <p>21 Q. And in doing so, you would need to</p> <p>22 have the ability to inquire about an</p> <p>23 individual's prescriptions, right?</p> <p>24 A. That would be part of the</p> <p>25 investigation, yes.</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Do you know who had access to</p> <p>2 OARRS?</p> <p>3 A. Me and another officer in the</p> <p>4 group.</p> <p>5 Q. And what about outside of law</p> <p>6 enforcement? Do you know whether anyone</p> <p>7 outside of law enforcement had access to OARRS?</p> <p>8 A. My understanding was that</p> <p>9 physicians had access and that pharmacists had</p> <p>10 access to it.</p> <p>11 Q. Do you know -- did you ever have</p> <p>12 any belief that pharmaceutical manufacturers</p> <p>13 had access?</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question.</p> <p>16 A. I have no idea.</p> <p>17 Q. Based on your understanding of</p> <p>18 OARRS, would you think that they would have?</p> <p>19 MS. RION: Object to the form.</p> <p>20 A. Yeah. I don't know.</p> <p>21 Q. And what about pharmaceutical</p> <p>22 distributors? Did you ever have any</p> <p>23 understanding as to whether they would have</p> <p>24 access?</p> <p>25 MS. RION: Object to the form.</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. So you'd need to be law enforcement</p> <p>2 to do that, right?</p> <p>3 A. Yes.</p> <p>4 Q. Any private company or citizen</p> <p>5 can't walk in and ask for that information,</p> <p>6 right?</p> <p>7 A. I don't know what the various</p> <p>8 pharmacies' policies are to that. I couldn't</p> <p>9 tell you.</p> <p>10 Q. Your -- it's your understanding</p> <p>11 that you need to be a law enforcement officer</p> <p>12 to get that information, right?</p> <p>13 MR. LEDLIE: Object to the form of</p> <p>14 the question. Asked and answered.</p> <p>15 A. Through our investigations, we were</p> <p>16 able to do so. Whether anybody else could, I</p> <p>17 couldn't tell you.</p> <p>18 Q. Did you typically get a warrant to</p> <p>19 get that kind of information?</p> <p>20 A. No.</p> <p>21 Q. Did you use a subpoena?</p> <p>22 A. No.</p> <p>23 Q. You just asked?</p> <p>24 A. You just ask.</p> <p>25 Q. Did you show your credentials or in</p>

<p style="text-align: right;">Page 114</p> <p>1 other -- in any other ways provide information 2 that assured folks that you were law 3 enforcement when you were asking for that 4 information? 5 A. We always do. 6 Q. Did you have any formal training on 7 how to use OARRS? 8 A. I don't recall ever sitting through 9 a class, a formal class. I'm sure we had 10 some- -- I'm sure we got something, but I 11 couldn't tell you what. 12 Q. You don't recall having sort of 13 just pecked around yourself to figure it out? 14 A. No. 15 Q. So you think you were somehow 16 trained? 17 MR. LEDLIE: Object to the form. 18 A. I'm sure there was some information 19 given to us. 20 Q. Have you heard of ARCOS? 21 A. I have. 22 Q. Did you ever use ARCOS? 23 A. No. 24 Q. Why not? 25 A. I first heard about it when I read</p>	<p style="text-align: right;">Page 116</p> <p>1 that would be -- yes. 2 Q. What is that based on? 3 A. Based on the fact that it's similar 4 to OARRS, so that they would know where their 5 shipments were going and how much they sent 6 out. 7 Q. Do you have any understanding 8 through any kind of formal sources -- 9 A. I do not. 10 Q. -- the -- the answer to my 11 question? No, you don't? 12 A. Right. No, you asked what my 13 understanding was. That's my understanding. 14 Q. Okay. And your understanding is 15 based largely on reading the complaint and 16 speculating? 17 A. That is correct. 18 MR. LEDLIE: Object to the form of 19 the question. 20 Q. Did you -- do you now have an 21 understanding that ARCOS is a database through 22 which distributors and manufacturers report 23 drug transactions to the DEA? 24 A. Okay. I'm not sure I quite 25 understand where you're going. My</p>
<p style="text-align: right;">Page 115</p> <p>1 the complaint. 2 Q. Well, that would be a good reason. 3 And what is your understanding of 4 what ARCOS is? 5 A. It's basically an OARRS for the 6 distributors and manufacturers. 7 Q. When you -- when you say that, what 8 specifically is your understanding of what 9 information is contained in ARCOS? 10 A. It should probably give them 11 information as to the type of drugs and 12 quantities that were sent out to various 13 locations. 14 Q. Give who information? 15 A. The people that have access to it. 16 Q. And what is your understanding of 17 who has access to it? 18 A. Manufacturers, distributors, the 19 DEA. 20 Q. Is it -- is it your understanding 21 that manufacturers and distributors can search 22 ARCOS? 23 MR. LEDLIE: Object to the form of 24 the question. 25 A. It would be my understanding that</p>	<p style="text-align: right;">Page 117</p> <p>1 understanding is that it is similar to OARRS so 2 that they can show where everything's going. 3 They use it between themselves and the DEA, and 4 I believe -- is that what you just asked me? 5 Q. Well, no, I asked you something 6 different. 7 Is your understanding based on any 8 discussion with anybody? 9 A. No. 10 Q. Okay. So it's really just reading 11 the complaint and sort of comparing it yourself 12 to OARRS? 13 A. Yes. 14 Q. But not ever having seen ARCOS? 15 A. That's correct. 16 Q. So I take it you never asked the 17 DEA for ARCOS data? 18 A. Didn't even know it existed. 19 Q. And they never mentioned to you 20 that they had such data? 21 A. No. 22 Q. Even though you had one and then 23 later two DEA agents as a part of your unit? 24 A. They're investigators. Go ahead. 25 Q. They never mentioned to you they</p>

<p style="text-align: right;">Page 118</p> <p>1 had access to ARCOS data?</p> <p>2 A. No.</p> <p>3 Q. If I told you that through ARCOS,</p> <p>4 the DEA has the aggregate data of every opiate</p> <p>5 transaction in the country, is that something</p> <p>6 you would have liked to know when you were the</p> <p>7 commander of the unit?</p> <p>8 MR. LEDLIE: Object to the form of</p> <p>9 the question.</p> <p>10 A. I would imagine that would have</p> <p>11 been maybe case specific.</p> <p>12 Q. If I told you that ARCOS was the</p> <p>13 database that the DEA had -- through which the</p> <p>14 DEA had aggregate data of every opiate</p> <p>15 transaction in the country, is it something you</p> <p>16 would have used while you were the commander of</p> <p>17 the unit?</p> <p>18 MR. LEDLIE: Object to the form of</p> <p>19 the question.</p> <p>20 A. Again, it would have been maybe</p> <p>21 case specific.</p> <p>22 Q. But would you have used it?</p> <p>23 MR. LEDLIE: Object to the form.</p> <p>24 A. If we were working a large case,</p> <p>25 yeah, it would have been probably some good</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Didn't find it necessary.</p> <p>2 Q. Why not?</p> <p>3 A. Our everyday, day-to- -- day-to-day</p> <p>4 cases --</p> <p>5 Q. Can you ex- --</p> <p>6 A. -- wasn't --</p> <p>7 Q. Go ahead.</p> <p>8 A. It wasn't something that at any</p> <p>9 period of time that we're -- needed to know, I</p> <p>10 guess.</p> <p>11 Q. You didn't think that that</p> <p>12 information would have been useful to you in</p> <p>13 your job?</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question.</p> <p>16 A. It wasn't relevant to any of the</p> <p>17 cases that we were working.</p> <p>18 Q. Through your work, did you ever</p> <p>19 come to have an understanding of the</p> <p>20 differences in volumes that pharmacies in</p> <p>21 Summit County might have had of any particular</p> <p>22 drugs?</p> <p>23 MR. LEDLIE: Object to the form.</p> <p>24 A. No.</p> <p>25 Q. It's not something that you sought</p>
<p style="text-align: right;">Page 119</p> <p>1 data to have.</p> <p>2 Q. Did you ever, for any reason at any</p> <p>3 point in your career with the sheriff's office,</p> <p>4 reach out to distributors of pharmaceutical</p> <p>5 products to ask them for any information</p> <p>6 regarding pharmaceutical products coming into</p> <p>7 your jurisdiction?</p> <p>8 A. No.</p> <p>9 Q. And the same question with respect</p> <p>10 to manufacturers of pharmaceutical products.</p> <p>11 Did you ever reach out to any of them to ask</p> <p>12 them for any information about pharmaceutical</p> <p>13 products coming into your jurisdiction?</p> <p>14 A. No.</p> <p>15 Q. And what about retail pharmacies in</p> <p>16 general? I'm not talking about specific</p> <p>17 pharmacists here, but retail pharmacies. Did</p> <p>18 you ever reach out to them for any information</p> <p>19 about pharmaceutical products coming into your</p> <p>20 jurisdiction?</p> <p>21 MR. LEDLIE: Object to form of the</p> <p>22 question.</p> <p>23 A. No.</p> <p>24 Q. Why didn't you do any of those</p> <p>25 things?</p>	<p style="text-align: right;">Page 121</p> <p>1 out?</p> <p>2 A. No.</p> <p>3 Q. Are you generally aware that</p> <p>4 between 1996 and 2012, more opioid</p> <p>5 prescriptions were written by doctors in</p> <p>6 general?</p> <p>7 A. I've read that, yeah.</p> <p>8 Q. Did you have any awareness of that</p> <p>9 as a part of your job?</p> <p>10 A. You know, we -- whatever case came</p> <p>11 down the pipe, we worked. It didn't matter</p> <p>12 what it was.</p> <p>13 Q. And are you aware that the DEA sets</p> <p>14 quotas for each class of controlled substance</p> <p>15 to ensure that there are sufficient drugs to</p> <p>16 provide for the medical, scientific research,</p> <p>17 and industrial needs of the U.S.?</p> <p>18 MR. LEDLIE: Object to the form of</p> <p>19 the question.</p> <p>20 You can answer.</p> <p>21 A. I became aware of that when I read</p> <p>22 the complaint. Yeah. Prior to that, they -- I</p> <p>23 didn't -- whatever the DEA does, I have no</p> <p>24 idea.</p> <p>25 Q. If I represented to you that from</p>

<p style="text-align: right;">Page 122</p> <p>1 1996 to 2015 the DEA increased opioid quotas 2 based on a determination that the estimated 3 medical need for opioids was increasing, would 4 you have any reason to doubt that? 5 MR. LEDLIE: Object to the form of 6 the question. He's a fact witness. 7 A. I mean, again, I don't know what 8 the DEA does or how they work that, and that's 9 up to them. 10 Q. Well, given that more opioids were 11 being prescribed from the mid-'90s through your 12 time period as the commander of the drug unit, 13 and the DEA was raising opioid quotas based on 14 medical need, is it fair that you would have 15 expected that the number of opioids dispensed 16 in Summit County would have increased over that 17 period of time? 18 MR. LEDLIE: Object to the form of 19 the question. 20 A. I don't know. It depends on what 21 physicians were prescribing at the time. 22 Q. Okay. That's fair. And it's not 23 something that you ever looked into as the 24 commander of the unit, right? 25 MR. LEDLIE: Object to the form of</p>	<p style="text-align: right;">Page 124</p> <p>1 MS. SAULINO: Yeah, I don't know if 2 our lunch is here yet, so I'm not ready for a 3 lunch break. So we're going to have to take a 4 break and come back then, so. 5 THE VIDEOGRAPHER: Off the record, 6 11:34. 7 (A recess was taken.) 8 THE VIDEOGRAPHER: We're on the 9 record, 11:50. 10 BY MS. SAULINO: 11 Q. Through your experience and 12 training, have you developed an understanding 13 of which drugs are opioids and which drugs are 14 not? 15 A. Yes. 16 Q. And what is your understanding of 17 which drugs are opioids? 18 A. There are opioids that contain 19 nothing but variations of the opium. There are 20 semisynthetic opiates that are partially lab 21 created and partially opiates. And there are 22 synthetic opiates which are completely lab 23 created. 24 Q. Okay. So forgive me. I -- I wrote 25 some of this as quickly as I could, but some of</p>
<p style="text-align: right;">Page 123</p> <p>1 the question. 2 A. Yeah, I did not look into that. 3 MR. LEDLIE: We've been going about 4 an hour and 15 minutes. Is this a good time? 5 MS. SAULINO: I'm happy to take a 6 break now. It's a little after 11:30, I think, 7 if I'm reading the clock right. 8 MR. LEDLIE: Yeah. Yeah, you are. 9 MS. SAULINO: So I wonder whether 10 you want to take a break now or whether you 11 want to go a little more and then do lunch, 12 or -- I leave it to you. 13 MR. LEDLIE: I'd just as soon take 14 a break. It's an hour and 15 minutes, and I'd 15 like to take a break. 16 MS. SAULINO: Are you okay with a 17 little bit later lunch? 18 THE WITNESS: No. Take a break. 19 MS. SAULINO: Right. That's my 20 question. Are you suggesting we have lunch 21 now, or are we going to take a break, come 22 back, and then leave again? That's my 23 question. 24 MR. LEDLIE: I can do lunch -- if 25 it's 11:30, I can do lunch now. That's fine.</p>	<p style="text-align: right;">Page 125</p> <p>1 it -- so -- so -- but let's go back through 2 this. 3 So you say that there are opiates 4 that contain -- 5 A. They're direct derivatives from 6 opium. 7 Q. Direct -- and which would those be? 8 A. Let me think. Codeine is part of 9 the opium derivative. It's a -- morphine is a 10 direct derivative of opium. Heroin is a 11 derivative of morphine. I want to say Vicodin. 12 The others I'm not terribly sure about. 13 Semisynth- -- semisynthetic ones, 14 which are partially derivatives or partially 15 lab created, I believe Dilaudid is a 16 semisynthetic one. I want to say OxyContin is 17 semisynthetic. I'm not certain for -- and 18 there are others that are completely lab 19 created that mimic the effects of opium. 20 Q. And what is your understanding of 21 what some of those are? Does fentanyl fall in 22 that category? 23 A. Yeah, I believe fentanyl is 24 completely lab created. Carfentanil is lab 25 created.</p>

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1 Q. Okay. And what is your
2 understanding of some examples of drugs that
3 are not opioids at all?
4 A. Cocaine.
5 Q. Meth?
6 A. Meth.
7 Q. Marijuana?
8 A. Marijuana.
9 Q. Xanax?
10 A. Pardon me?
11 Q. Xanax?
12 A. I'm not sure the makeup of Xanax.
13 Here's an old one for you. Preludins,
14 barbiturates.
15 Q. Benzodiazepines?
16 A. Valiums? Yeah, I don't think
17 they're opioids.
18 Q. Okay. Now, you also know that some
19 opioids are available by prescription and
20 others are not legal at all?
21 A. In some cases -- all of them are
22 illegal, depending, but --
23 Q. What do you mean by that?
24 A. Well, if you've diverted it, then
25 it's not legal.

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1 Q. Okay. Fair enough. But just sort
2 of as an -- as a general principle about
3 particular opiates, some of them are available
4 in legal form and some are never available in
5 legal form; is that right?
6 MR. LEDLIE: Object to the form.
7 A. Some are prescription available,
8 some are not, yes.
9 Q. Right. Like heroin is not legal,
10 right? Sir, you have to answer verbally.
11 A. Yes.
12 Q. And -- and others can be available
13 by prescription, like some of those that you
14 named like codeine or morphine, right?
15 A. They are available by prescription,
16 yes.
17 Q. Now, do you understand that
18 prescription opioids are approved by the FDA
19 and the DEA?
20 MR. LEDLIE: Object to the form.
21 A. I don't know about the DEA. The
22 FDA approves medications in this country, yes.
23 Q. And you understand that they are
24 tested to make sure their benefits outweigh
25 their risks?

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1 MR. LEDLIE: Object to the form.
2 A. Yeah. Not sure what all the FDA
3 does or how they go about their business.
4 Q. You understand that prescription
5 opioids are regulated?
6 A. Meaning? When you say "regulated,"
7 you mean --
8 Q. That there are regulations that
9 control their prescription and distribution?
10 A. Yes.
11 Q. And you understand that they are
12 prescribed by doctors to treat medical
13 conditions, right?
14 A. Supposedly, yes.
15 Q. Now, you understand that
16 non-prescription opioids are not produced,
17 distributed, or dispensed by licensed
18 manufacturers, distributors, or pharmacies,
19 right?
20 MS. RION: Object to the form.
21 A. To my knowledge.
22 Q. And you understand that
23 non-prescription opioids are illegal to
24 produce, distribute, and possess, right?
25 A. Yes.

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1 Q. And you understand they are not
2 regulated in the sense that they're not
3 regulated for distribution, right?
4 MR. LEDLIE: Object to the form.
5 A. I mean, they're regulated. They're
6 illegal.
7 Q. They're illegal, right. Okay. And
8 they are banned by the DEA?
9 A. They're banned by the government.
10 DEA is part of the government, if you want to
11 go that route, but --
12 Q. Fair enough. You understand that
13 they are more addictive than prescription
14 opioids?
15 MR. LEDLIE: Object to the form.
16 A. No. They're all Schedule Is and
17 Schedule IIs, which means they're all very
18 addictive.
19 Q. And you understand that there's a
20 very high potential for abuse with
21 non-prescription opioids, right?
22 MR. LEDLIE: Object to the form.
23 A. There is for any opioid.
24 Q. And what is the basis of your
25 understanding?

<p style="text-align: right;">Page 130</p> <p>1 A. They're opioids. They're Schedule 2 Is, Schedule IIs under the Controlled 3 Substances Act of 1970. They were scheduled 4 that as a result of their ability to cause 5 addictions, or their high -- what's the word I 6 want to use -- high probability of addiction. 7 Q. And what is the basis for the 8 statement that you just made? How do you know 9 that? 10 A. I was trained. 11 Q. Okay. Do you believe that there's 12 any kind of opioid epidemic or crisis in Summit 13 County? 14 A. Yes. 15 Q. And what is your definition of an 16 opioid epidemic or crisis? 17 A. Have to think about how I want to 18 word this. We have a situation where addicts 19 who have been exposed to opioids and are having 20 a difficult time getting them are turning to 21 other examples to get their fix. 22 In other words, they can't get the 23 scripts, and now they're going to the illegal 24 drugs, like heroin and such, in such a fashion 25 that our overdoses have climbed for several</p>	<p style="text-align: right;">Page 132</p> <p>1 your time? 2 A. If I had to guess, which I'm 3 doing -- 4 MR. LEDLIE: I'm going to object to 5 the form of the question. 6 A. Yeah. Probably mid-ish, maybe, I 7 don't know. Again, I can't -- I can't give you 8 a date. 9 Q. When did you first become aware of 10 issues with opiates in your community? 11 A. There's always been heroin here. 12 Q. And when did you first formulate a 13 belief that Summit County had a problem with 14 opioids? 15 MR. LEDLIE: Object to the form of 16 the question. 17 A. I'm not sure I ever attributed, 18 specifically. We always had a drug problem. 19 If you wanted it, you could find it. 20 Q. Is it -- am I understanding 21 correctly that in your experience, in your long 22 experience working in narcotics and drug units 23 at Summit County, there have always been drugs 24 out there; it's just a matter of which drug it 25 was?</p>
<p style="text-align: right;">Page 131</p> <p>1 years, numerous years, here in Summit County 2 alone, not to -- not to mention the rest of the 3 state. 4 Q. So that is your view of what an 5 opioid epidemic or crisis is? 6 A. Yeah. It's a major problem because 7 there's too much out there. 8 Q. So you are including both legal and 9 illegal -- 10 A. Yes. 11 Q. -- as a part of your explanation, 12 right? 13 A. That's correct. 14 Q. When do you believe the opioid 15 epidemic began? 16 MR. LEDLIE: Object to the form. 17 A. I can't give you an exact year. I 18 remember listening to some of the other 19 commanders in the southern end of the state 20 talk about the problems they were having in 21 regards to OxyContin whenever it hit the 22 street. Whatever year that may have been, I 23 don't know. 24 Q. You say you don't remember the 25 year. Do you remember whether it was early in</p>	<p style="text-align: right;">Page 133</p> <p>1 A. Yeah. Like I said, if you want it, 2 you could find it. 3 Q. So during your years in law 4 enforcement in Summit County, have illicit 5 drugs ever not been a problem? 6 A. It's always -- they're always 7 there. 8 Q. In your mind, is there a 9 distinction between the opioid epidemic and the 10 prescription opioid epidemic? 11 A. It's always been heroin out there 12 if you wanted it. We didn't see a lot of it 13 after the OxyContin was introduced. We 14 started -- during a period of time, it seemed 15 like there was a -- there became more heroin 16 available. So they kind of run hand in hand. 17 Q. You recall heroin having been a 18 problem even before you had focused on 19 prescription opioids, right? 20 MR. LEDLIE: Object to the form of 21 the question. 22 A. Yeah. 23 Q. Yes? 24 A. Yes. 25 Q. And you know that, for instance,</p>

<p style="text-align: right;">Page 134</p> <p>1 morphine has been available since -- for 2 decades now, right? 3 A. It's been around a while, yes. 4 Q. Do you recall it ever not being 5 around when you -- as -- as -- do you ever -- 6 do you recall it ever not being around when you 7 were in law enforcement? 8 A. No. It's always been there. Been 9 there since the Civil War. 10 Q. Do you recall the rise of heroin 11 use in Northeast Ohio in the early 1990s? 12 A. Specifically, no. Things kind of 13 go in cycles, and they're up and down, and... 14 - - - - - 15 (Thereupon, Deposition Exhibit 1, 16 Cleveland Plain Dealer Article 17 Titled "The Comeback Drug; Police, 18 Social Workers Fear Heroin 19 'Epidemic'", was marked for purposes 20 of identification.) 21 - - - - - 22 Q. All right. Commander Baker, you've 23 been handed what has been marked as Baker 24 Exhibit 1. This is an article from the 25 Cleveland Plain Dealer from 1992. You were</p>	<p style="text-align: right;">Page 136</p> <p>1 see very much heroin here. 2 Q. When you say you didn't see very 3 much heroin here, what do you mean by that? 4 A. It means we didn't do very many 5 heroin cases. 6 There was a large group before I 7 was even hired on to the sheriff's office that 8 they did during -- towards the end of the 9 Vietnam era, and that's one of the biggest 10 cases I can remember here. 11 When I started working drugs here, 12 I would say we didn't do heroin cases. A 13 couple maybe. 14 Q. You were more focused on meth at 15 the time, right? 16 MR. LEDLIE: Object to the form of 17 the question. 18 A. I was focused on whatever came down 19 the line. 20 Q. Right. But you told me earlier 21 meth was a big deal for a long time, right? 22 MR. LEDLIE: Object to the form of 23 the question. 24 A. We did a lot of meth cases. 25 Q. Now, you mentioned earlier that</p>
<p style="text-align: right;">Page 135</p> <p>1 living in the area at the time, right? 2 A. Yes. 3 Q. And do you see -- let's see, one, 4 two, three -- it's technically the fourth 5 paragraph. It starts "John and Mary." 6 A. Okay. 7 Q. You see it says, "John and Mary are 8 part of what is apparently a growing list of 9 heroin users. Use of the narcotic in greater 10 Cleveland and in the United States is on the 11 rise, and there is a fear it may become the 12 drug of the '90s." 13 A. Okay. 14 Q. Does that refresh your recollection 15 at all? 16 A. I don't remember reading this. 17 Q. Do you remember that concept, 18 though, that the use of heroin was on the rise 19 in the early 1990s? 20 A. In Cleveland? I really didn't care 21 what was going on in Cleveland. 22 Q. So you don't think that was 23 happening in Summit County? 24 A. If I don't -- you know, I mean if I 25 don't recall this, I don't -- see, we didn't</p>	<p style="text-align: right;">Page 137</p> <p>1 it's your opinion that heroin's used after 2 folks can't get prescription opioids anymore; 3 is that right? 4 MR. LEDLIE: Object to the form. 5 A. Yes, that's what I said. 6 Q. And look at the last paragraph on 7 this first page. It starts "Crack addicts." 8 You see it says, "Crack addicts are 9 using heroin to help cope with the anxiety of 10 coming down from the euphoric but brief cocaine 11 high. The problem arises when addicts opt 12 for the more potent heroin, eventually trading 13 a cocaine habit for a heroin habit." 14 Do you see that? 15 A. Yes. 16 Q. Is it your understanding, in your 17 long experience working with narcotics, that 18 people use heroin when they need something 19 else? 20 MR. LEDLIE: Object to the form of 21 the question. 22 A. Why people needs heroin, that's -- 23 I have no clue. That's up to them. 24 I can tell you we did a lot of 25 crack cases, and we didn't find any heroin</p>

<p style="text-align: right;">Page 138</p> <p>1 there when we did them.</p> <p>2 Q. Okay. So do you disagree with this</p> <p>3 statement?</p> <p>4 MR. LEDLIE: Object to the form.</p> <p>5 A. This -- you know, this -- I don't</p> <p>6 know who the individuals are. I don't know who</p> <p>7 the reporter is. I mean, he got information</p> <p>8 and he wrote it down.</p> <p>9 Q. I'm just asking if you disagree</p> <p>10 with it.</p> <p>11 MR. LEDLIE: Object to form.</p> <p>12 A. I don't know the -- where it came</p> <p>13 from, so I don't know whether -- what his</p> <p>14 sources are, so --</p> <p>15 Q. That's not what I'm asking, sir.</p> <p>16 I'm just asking --</p> <p>17 A. I understand, but I can't -- I</p> <p>18 can't agree or disagree to something that I</p> <p>19 have no clue about; that I don't know -- that I</p> <p>20 don't know where the information came from.</p> <p>21 Q. So you don't have any knowledge of</p> <p>22 the use of heroin in Northeastern Ohio in the</p> <p>23 early 1990s?</p> <p>24 MR. LEDLIE: Object to the form of</p> <p>25 the question. Asked and answered.</p>	<p style="text-align: right;">Page 140</p> <p>1 A. I -- I don't know -- I'm not sure</p> <p>2 exactly what it is you're -- you're asking, but</p> <p>3 whether or not I agree with this written</p> <p>4 report, this came from someone. I have no</p> <p>5 clue. I don't know how he got --</p> <p>6 Q. Sir, that's not my question.</p> <p>7 A. -- his information.</p> <p>8 Q. That's not my question.</p> <p>9 MR. LEDLIE: He's trying to answer</p> <p>10 your question, and you're cutting him off.</p> <p>11 It's unacceptable.</p> <p>12 Q. Sir, I'm just trying to remind you</p> <p>13 what my question is because we have limited</p> <p>14 time, and I don't need you answering questions</p> <p>15 I haven't asked, and I'm sure you don't want to</p> <p>16 have to do that.</p> <p>17 So the bottom line is that you are</p> <p>18 not willing to speculate as to why people turn</p> <p>19 to heroin, right?</p> <p>20 MR. LEDLIE: Object to the form of</p> <p>21 the question.</p> <p>22 A. Why people use it is up to them. I</p> <p>23 don't know why. I can't tell you.</p> <p>24 Q. And that is generally true, not</p> <p>25 just with respect to Exhibit 1? Which you can</p>
<p style="text-align: right;">Page 139</p> <p>1 A. Oh, I'm sure it was being used. I</p> <p>2 can't tell you how much.</p> <p>3 Q. Or why, right?</p> <p>4 MR. LEDLIE: Object to the form of</p> <p>5 the question.</p> <p>6 A. People use drugs for different</p> <p>7 reasons. You know, who knows.</p> <p>8 Q. That's generally true, though,</p> <p>9 right?</p> <p>10 MR. LEDLIE: Object to the form.</p> <p>11 A. I don't know. I mean, you're --</p> <p>12 you're asking me to get into people's minds</p> <p>13 that I don't even know. I don't know.</p> <p>14 Q. Fair enough. So you -- I mean, and</p> <p>15 that's generally true, that you can't get into</p> <p>16 people's minds as to why they use drugs, right?</p> <p>17 A. Correct.</p> <p>18 Q. Or why they use heroin in</p> <p>19 particular, right?</p> <p>20 A. Correct.</p> <p>21 Q. So your earlier statements would be</p> <p>22 qualified with the fact that you're not willing</p> <p>23 to get into people's minds, right?</p> <p>24 MR. LEDLIE: Object to the form of</p> <p>25 the question.</p>	<p style="text-align: right;">Page 141</p> <p>1 put aside because I'm not even asking about</p> <p>2 that anymore.</p> <p>3 MR. LEDLIE: Object to the form of</p> <p>4 the question.</p> <p>5 Q. Right?</p> <p>6 A. Correct.</p> <p>7 Q. Now, you also know that fentanyl</p> <p>8 has been used in the United States for decades,</p> <p>9 right?</p> <p>10 A. Yeah, I'm not sure exactly when it</p> <p>11 came out, but...</p> <p>12 Q. It's been around awhile, right?</p> <p>13 A. Yeah. Again, I'm not sure when it</p> <p>14 came out, but I -- we saw some during my</p> <p>15 tenure.</p> <p>16 Q. And you would agree with me that</p> <p>17 law enforcement in Summit County has been aware</p> <p>18 of prescription opioid misuse for many years,</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. This was true in the early 2000s,</p> <p>22 if not earlier, right?</p> <p>23 A. Prescription drugs have always been</p> <p>24 abused, so I guess yes.</p> <p>25 Q. What about prescription opioids?</p>

<p style="text-align: right;">Page 142</p> <p>1 A. They're part of prescription drugs, 2 so, yes. 3 Q. In your experience as a law 4 enforcement officer in Summit County, do you 5 remember a time when prescription opioids were 6 not misused? 7 A. No. 8 Q. Do you remember any particular time 9 seeing a rise in prescription opioid misuse? 10 A. I'm sorry. Again? 11 Q. Do you remember any particular time 12 seeing a rise in prescription opioid misuse? 13 Or times? 14 A. I think it's just changed from one 15 brand to another, I guess, if you will. We saw 16 a lot of Dilauidids early on and then it kind of 17 tapered off, and then there was oxys and... 18 Q. Can you give me any kind of time 19 frame on that? 20 A. It ebbs and flows. When I started, 21 we were buying Dilauidids all the time, so -- 22 Q. That would have been in the '80s? 23 A. Yes. Late -- mid to late '80s. 24 Then when OxyContin hit the scene, there were 25 oxys around, and...</p>	<p style="text-align: right;">Page 144</p> <p>1 did or when they did it, so my answer would be 2 I really don't know. 3 Q. Well, okay. Let's -- let's talk 4 specifically about the time period of 2001 to 5 2012, when you were the commander of the Summit 6 County Drug Unit, right? 7 A. Correct. 8 Q. As the commander of the Summit 9 County Drug Unit, did you feel like -- like 10 government officials attacked the problems that 11 you were seeing as intensively or as quickly as 12 they should have? 13 MR. LEDLIE: Object to the form of 14 the question. 15 A. I don't know. I don't know what 16 our government here was doing. We'd worked our 17 cases every day. Whatever came down the line, 18 that's what we did. I wasn't looking around to 19 see what the commissioner's office or what the 20 county council was doing towards anything. 21 Q. Did you ever have any frustrations 22 in that regard? 23 MR. LEDLIE: Object to the form. 24 A. No. I worked -- we worked our 25 cases and did our job.</p>
<p style="text-align: right;">Page 143</p> <p>1 Q. So you saw more of those, then? 2 A. Yeah. Dilauidids -- Dilauidids kind 3 of dropped off. We didn't see those. 4 Barbiturate use kind of dropped off. We didn't 5 see any more barbiturates. 6 Q. Is drug diversion something that 7 you've been aware of as a part of your law 8 enforcement duties the whole time? 9 A. Yes. 10 Q. Yes? 11 A. Yes. 12 Q. And not just aware of; you've seen 13 it in Summit County? 14 A. Yes. 15 Q. The whole time you've worked 16 narcotics in Summit County? 17 A. Uh-huh, yes. 18 Q. Do you think that the government 19 officials in Summit County and in Ohio attacked 20 the problem you've identified with opioids as 21 quickly or as intensively as they should have? 22 MR. LEDLIE: Object to the form of 23 the question. 24 A. I don't know. I can't speak for 25 them. I'm not exactly sure of what all they</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Okay. You talked earlier about an 2 opioid epidemic or crisis. Was there ever any 3 point when you felt like government officials 4 should have done something about that? 5 MR. LEDLIE: Object to the form of 6 the question. 7 A. I don't know. Again, I'm a soldier 8 out on the front line. We did what we did, 9 and, you know, if -- if government was going to 10 do something, whether it was education or 11 whatever it was going to do, that was up to 12 them, and I didn't care. 13 Q. Was there any actor that you 14 thought wasn't acting quickly enough or 15 intensively enough -- 16 MR. LEDLIE: Object -- 17 Q. -- with respect to the opioid 18 crisis or problem that we talked about earlier? 19 A. Yeah. I never -- 20 MR. LEDLIE: Object to the form of 21 the question. 22 A. -- never paid any mind to it. 23 Worked our cases and went on. 24 Q. Would you agree that the Ohio Board 25 of Medicine and Board of Pharmacy have</p>

<p style="text-align: right;">Page 146</p> <p>1 sometimes been too slow to investigate and 2 revoke licenses of bad actors? 3 MR. LEDLIE: Object to the form of 4 the question. 5 A. Yeah. I don't know what their 6 process is and how they go about it, so I -- I 7 have no idea. 8 Q. Do you think that they always 9 revoked licenses as quickly as you would have 10 wanted them to? 11 MR. LEDLIE: Object to the form of 12 the question. 13 A. Again, I really didn't pay any mind 14 to it. We just came in, did our job every day, 15 and hopefully went home at night. 16 Q. Are you aware of any bad doctors in 17 Summit County who continued to write 18 prescriptions or see patients after you knew 19 that they were bad doctors? 20 MR. LEDLIE: Object to the form of 21 the question. 22 A. We had some investigations, yes. 23 Q. And did you ever try to get their 24 licenses revoked? 25 MR. LEDLIE: Object.</p>	<p style="text-align: right;">Page 148</p> <p>1 linked with someone from the Ohio Board of 2 Pharmacy, and as -- as far as getting 3 information, if she gave them that information 4 or not, I don't know. 5 Q. Let me just make sure I understand 6 what you just said. So one of your officers 7 was closely linked with the Ohio Board of 8 Pharmacy to get information for law 9 enforcement; is that right? 10 MR. LEDLIE: Object to the form. 11 A. They would provide -- yeah, they 12 would provide information to her, and we would 13 be able to do cases. 14 Q. And you don't know whether the 15 information went the other direction, from her 16 to the Board of Pharmacy? 17 A. I don't know. I'm sure that in the 18 case of working the doctor, that that 19 information got there. I did not personally 20 give it. 21 Q. Okay. Let me just make sure; there 22 are two separate boards here we're talking 23 about, the board of medicine for doctors and 24 the board of pharmacy for pharmacists. 25 A. I'm talking about the board of</p>
<p style="text-align: right;">Page 147</p> <p>1 A. Is -- you mean to go down and 2 petition the state board of pharmacy or 3 something like that? No. 4 Q. Did you ever provide information to 5 the Ohio Board of Medicine or the state board 6 of pharmacy about your investigations? 7 A. Oh, I'm sure they knew. They gave 8 us a lot of information that we used for our 9 investigations. 10 Q. To your knowledge, has the drug 11 unit ever reached out to the board of medicine 12 about a doctor who was overprescribing 13 prescription opioids? 14 A. When we worked the cases, I don't 15 know. I did not personally do it, so I don't 16 know if it was done, if they -- if anybody 17 contacted them or not. 18 Q. Well, as the supervisor of the 19 unit, you didn't know of anyone who -- who did 20 contact the board of medicine regarding 21 overprescribing of prescription opioids by any 22 doctor? 23 MR. LEDLIE: Object to the form of 24 the question. 25 A. One of my officers was very closely</p>	<p style="text-align: right;">Page 149</p> <p>1 pharmacy. 2 Q. Okay. Did anyone in your office 3 have a close connection with the board of 4 medicine? 5 A. Not to my knowledge. 6 Q. Why not? 7 A. I don't know. 8 Q. Is it not something you thought was 9 needed for your cases? 10 MR. LEDLIE: Object to the form. 11 A. Never even thought about the board 12 of medicine. 13 Q. And with respect to the person on 14 your team who had close connections with the 15 board of pharmacy, was that established because 16 you caused it to be established? 17 A. No. 18 Q. How did that happen? 19 A. Those connections came about before 20 I got there. 21 Q. And who was it on your team? 22 A. Carmen Ingram. 23 Q. What was her position? 24 A. She's my evidence officer. 25 Q. What does that mean?</p>

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1 A. It means all the evidence that came
2 into the -- the group, she handled, secured,
3 destroyed when it was all over.
4 Q. And what kinds of information do
5 you recall her having been -- having gotten
6 from the board of pharmacy?
7 A. Well, they would come in -- they
8 would normally do investigations, and then they
9 would come in and go, "Hey, we got this
10 investigation, and it's in your jurisdiction,
11 and here's the case."
12 Q. So the board of pharmacy would give
13 you investigations they had done?
14 A. Yes.
15 Q. And then your officers would follow
16 up on the investigation from a law enforcement
17 perspective?
18 A. Yes.
19 Q. And did that lead to any cases?
20 A. Yes.
21 Q. How many?
22 A. I don't know. I mean, we've -- we
23 did a lot of nurses. As a result -- I don't
24 know; I couldn't even fathom a guess on how
25 many cases we got because of them.

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1 Q. Are we talking more than 10?
2 A. I'm sure, yes.
3 Q. More than --
4 A. Easily.
5 Q. More than 50?
6 MR. LEDLIE: Object to the form.
7 A. I don't know. I can't recall
8 exactly.
9 Q. And over what period of time are
10 these cases that you're referring to?
11 A. During my tenure.
12 Q. So 2001 to 2012?
13 A. Yes.
14 Q. Did all of those cases get
15 prosecuted?
16 A. If we made an arrest in the case,
17 which we most likely did because it was pretty
18 much done, it was a gimme, yeah.
19 Q. Do you recall any that were not --
20 there were no arrests or prosecutions?
21 A. No, I don't recall any.
22 Q. And where would the records be from
23 the -- of the information from the board of
24 pharmacy that came to your unit?
25 A. Case files.

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1 Q. You said you did a lot of nurses.
2 Did you or your -- anyone in your unit have any
3 close connection with the board of nursing?
4 A. No.
5 Q. Do you know whether you got any
6 information from them?
7 A. Not that I'm aware of.
8 Q. Or gave any information to them?
9 A. No, not that I'm aware of.
10 Q. And so with respect to those nurses
11 that you're recalling that were a part of the
12 cases that were developed out of the board of
13 pharmacy information, do you know whether
14 anyone from your unit provided information to
15 the board of nursing for them to revoke the
16 licenses of those nurses?
17 MR. LEDLIE: Object to the form of
18 the question.
19 A. Yeah, I have no idea. I would
20 assume, and I'm making speculation, that the
21 board of pharmacy probably told them.
22 Q. Talking about any kind of drugs
23 now. Have you ever had the experience, during
24 your time working narcotics in Summit County,
25 where you believed that laws and politics made

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1 it more difficult for the drug units to enforce
2 drug laws?
3 MR. LEDLIE: Object to the form of
4 the question.
5 A. No, not really. Sometimes
6 penalties and things change, but we still went
7 out and did our job, so.
8 Q. To be clear, I know that you went
9 out and did your job, but was there anything
10 that you felt like made it more difficult?
11 MR. LEDLIE: Object to the form of
12 the question.
13 A. They threw some hurdles in here now
14 and then, but, you know, you just learn how to
15 go around them or go over them and you keep on
16 going.
17 Q. What kind of hurdles?
18 A. Best example I can give you is in,
19 for example, a marijuana grow case --
20 Q. Uh-huh.
21 A. -- you know, there -- we used to go
22 out and do infrared scans on places, and then
23 all of a sudden we needed a warrant to go do
24 it. So it added a little bit of paperwork.
25 Q. You mentioned in a previous answer

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1 that there were some penalties that changed?

2 A. Oh, yeah. They -- they would

3 change all the time.

4 Q. Was there anything in particular

5 you were referring to there?

6 A. No, just the fact that sometimes

7 the degree of felony would -- would be changed,

8 and you'd have to have more of a drug to

9 elevate somebody.

10 Q. And can you explain what you mean

11 by "elevate somebody"?

12 A. In other words, maybe what used to

13 be a felony 1 became a felony 2, and if you

14 wanted to -- if you wanted to get them tied up

15 in a felony 1, you'd have to have more drug.

16 Q. And a felony 1 is a higher penalty?

17 A. Yes, it is.

18 Q. Any particular drugs come to mind

19 when you are talking about this topic?

20 A. I know they changed -- a couple

21 times crack cocaine got changed, marijuana got

22 changed, methamphetamine got changed.

23 Q. Did you think those were good

24 changes?

25 MR. LEDLIE: Object to the form of

Page 155

1 the question.

2 A. As an investigator, no. But, you

3 know, you -- you live by the law.

4 Q. And as an investigator, why not?

5 MR. LEDLIE: Object to the form of

6 the question.

7 A. We're there to put these guys out

8 of business. People want to make it a little

9 bit harder to put them out of business, then we

10 just have to work a little harder. That's all.

11 Q. Did you believe that Ohio law did

12 not sufficiently punish and deter fentanyl

13 traffickers during your time as the commander

14 of the drug unit?

15 MR. LEDLIE: Object to the form of

16 the question.

17 A. They got what they got. It didn't

18 make any difference to us. We're still going

19 to go out and do them.

20 Q. You're aware, aren't you, that

21 recently the Ohio Senate considered a bill to

22 decrease the bulk amount of fentanyl, so

23 reducing the amount of fentanyl necessary to

24 reach the bulk amount?

25 MR. LEDLIE: Object to the form of

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1 the question. He's here as a...

2 A. Yeah, I'm not aware of -- of that.

3 Again, it's just one of those things where

4 politics -- politicians do what they do, and we

5 follow up.

6 Q. Are you generally of the belief

7 that harsher penalties would reduce trafficking

8 more?

9 MR. LEDLIE: Object to the form of

10 the question. He's here as a fact witness.

11 You're asking him multiple opinion questions.

12 A. In my experience, when you clear

13 spots, somebody else steps in. So it's just

14 going to continue. It's all about money.

15 Q. Can you explain to me what you mean

16 by that?

17 A. It means the guys at the top are

18 raking in big bucks, and when one of those is

19 taken off the street, there's always somebody

20 that wants to step in and take over.

21 Q. So in your experience, your long

22 experience, in the narcotics enforcement field

23 in Summit County, based on your experience, do

24 harsher penalties cut down on trafficking?

25 A. For that individual, they do. But,

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1 no. It just continues.

2 Q. What do you mean "for that

3 individual"?

4 A. The individual that -- that you

5 just put away for a long time, yeah, he's not

6 trafficking at the moment, but somebody else

7 is.

8 Q. So based on your experience, is it

9 the case that it's not your view, based on your

10 experience, that harsher penalties would have

11 helped?

12 MR. LEDLIE: Object to the form of

13 the question.

14 A. Could they have deterred someone?

15 Possibly. I can't say for sure. But again,

16 it's all -- it's all a game of opportunity and

17 money.

18 Q. Did you know that Ohio passed a law

19 last August that increased the penalties for

20 certain fentanyl trafficking offenses?

21 A. I did not.

22 Q. Now that you do, is that something

23 that you would have liked to have happened

24 while you were the commander?

25 MR. LEDLIE: Object to the form of

<p style="text-align: right;">Page 158</p> <p>1 the question. Outside the scope of his 2 employment. 3 A. Any time we got a law in our favor, 4 we're happy to have it. 5 Q. So increased penalties would have 6 been a law in your favor? 7 A. Yes. 8 MR. LEDLIE: Object to the form of 9 the question. 10 Q. How would it have helped? 11 A. We'd have been able to put people 12 away longer and keep them off the street. 13 Q. Talking about traffickers, as we've 14 been on that topic, in your experience, do 15 people who traffic in heroin also traffic in 16 other illegal drugs? 17 A. In my experience, a lot of people 18 traffic in a lot of various drugs. 19 Q. Are there any trends that you saw 20 throughout your 2001 to 2012 period as 21 commander? 22 A. No. It's all about opportunity. 23 It's all about money. 24 Q. Is it your experience that those 25 who traffic in drugs, based on what you're</p>	<p style="text-align: right;">Page 160</p> <p>1 Q. Are you aware of anything about 2 Summit County's infrastructure that presents it 3 as a prime area of opportunity for 4 transportation and distribution of illicit 5 drugs by trafficking organizations? 6 MR. LEDLIE: Object to the form of 7 the question. Outside the scope. Calls for 8 opinion testimony. 9 MS. SAULINO: Actually, I was 10 asking if he was aware of anything in his 11 experience, and there is no scope because he's 12 a fact witness, so. 13 A. Yes. 14 Q. What are you aware of? 15 A. We're bis- -- we're bisected by 16 several major highways. There are several 17 airports here. We're sitting very nicely 18 between Detroit, New York, Chicago, and 19 Atlanta. Stuff comes in here every day. Stuff 20 goes out every day. 21 Q. And when you say "stuff," what kind 22 of drugs are you talking about? 23 A. Anything and everything, and money. 24 Q. And how did you come to this 25 understanding?</p>
<p style="text-align: right;">Page 159</p> <p>1 saying, that it's all about experience and all 2 about money -- sorry -- opportunity and money; 3 I apologize. In your experience, will drug 4 traffickers, if prevented from trafficking in 5 one drug, simply move to another? 6 MR. LEDLIE: Object to the form of 7 the question. 8 A. If they got cut off on one supply 9 and they had a supply of something else, I'm 10 sure they would. 11 Q. Is there anything in your view that 12 stops the trafficking altogether, based on your 13 experience? 14 MR. LEDLIE: Object to the form of 15 the question. 16 A. Without being crude, if nobody 17 wants the drug, there aren't going to be any 18 traffickers. 19 Q. Have you seen that happen during 20 your time as a narcotics officer in Summit 21 County? 22 MR. LEDLIE: Object to the form of 23 the question. 24 A. Yeah. I've never seen anybody stop 25 trafficking other than when they got arrested.</p>	<p style="text-align: right;">Page 161</p> <p>1 A. Experience, training. 2 Q. Seeing it happen? 3 A. Yes. 4 Q. You've, in fact, written and talked 5 about this phenomenon, right? 6 A. Yes, I have. 7 Q. And have identified Summit County 8 as having a unique infrastructure in that 9 regard, right? 10 A. Yes. 11 Q. Have you talked to lawmakers about 12 this infrastructure issue? 13 A. Directly, no, like sitting at a 14 table; however, the information that you're 15 speaking of went to the governor's Office of 16 Criminal Justice Services. They disseminate 17 information that task force commanders provide 18 to them to our legislature. Whether or not 19 that got disseminated, I can't tell you. 20 Q. And when you say the information 21 that I'm speaking of, what do you mean? 22 A. You're talking about the addendum 23 to the grant that I wrote. 24 Q. So I have seen that document, sir, 25 and I'll pull it out, but have --</p>

<p style="text-align: right;">Page 162</p> <p>1 A. Yeah.</p> <p>2 Q. I'm asking more generally of</p> <p>3 your --</p> <p>4 A. Okay, yeah. I saw it in your thing</p> <p>5 there a few minutes ago, so -- and that</p> <p>6 information also gets disseminated through</p> <p>7 HIDTA and other places, so the federal</p> <p>8 government has -- aware of it, I'm sure.</p> <p>9 Q. Okay. Other than in the threat --</p> <p>10 threat assessment, have you talked about this</p> <p>11 phenomenon?</p> <p>12 A. In some of the classes that I've</p> <p>13 given, yes.</p> <p>14 Q. And have you provided any views</p> <p>15 anywhere on a -- on any way to fix this</p> <p>16 infrastructure problem?</p> <p>17 A. No.</p> <p>18 Q. Do you think there is one?</p> <p>19 A. We haven't got enough people out</p> <p>20 there. We haven't got enough people out there.</p> <p>21 You know, we're overwhelmed.</p> <p>22 Q. Have you asked for more people?</p> <p>23 A. Always ask for more people.</p> <p>24 Q. To whom?</p> <p>25 A. Hmm?</p>	<p style="text-align: right;">Page 164</p> <p>1 Document Titled "Drug Threat</p> <p>2 Assessment, Summit County, Ohio,"</p> <p>3 SUMMIT_000023567 to 00023648, was</p> <p>4 marked for purposes of</p> <p>5 identification.)</p> <p>6 - - - - -</p> <p>7 Q. Commander Baker, this is a document</p> <p>8 that has been marked as Baker Exhibit 2.</p> <p>9 I suspect the answer to this</p> <p>10 question is yes, but do you recognize this</p> <p>11 document?</p> <p>12 A. Yes.</p> <p>13 Q. And what is it?</p> <p>14 A. This is an addendum for a grant</p> <p>15 application.</p> <p>16 Q. And you wrote this?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. It looks like this would have taken</p> <p>19 quite a bit of work.</p> <p>20 A. (Witness nodding head.)</p> <p>21 Q. How long did it take you to write</p> <p>22 it?</p> <p>23 A. A couple months.</p> <p>24 Q. It's fair to say you're a little</p> <p>25 proud of this document, right?</p>
<p style="text-align: right;">Page 163</p> <p>1 Q. Who do you ask?</p> <p>2 A. At the time, we would ask the</p> <p>3 sheriff for some more bodies.</p> <p>4 Q. Have you asked the legislature?</p> <p>5 A. No.</p> <p>6 Q. Anyone besides the sheriff?</p> <p>7 A. No.</p> <p>8 Q. And when you say "at the time,"</p> <p>9 what do you mean?</p> <p>10 A. During my tenure.</p> <p>11 Q. Did you receive more bodies?</p> <p>12 A. One.</p> <p>13 Q. Did the sheriff tell you why you</p> <p>14 didn't get more?</p> <p>15 A. Budgetary issues.</p> <p>16 Q. Did you have any specific</p> <p>17 understanding of that?</p> <p>18 A. Pardon me?</p> <p>19 Q. Do you have any specific</p> <p>20 understanding of that or just generally</p> <p>21 budgetary issues?</p> <p>22 A. Yeah. We just didn't have the</p> <p>23 money.</p> <p>24 - - - - -</p> <p>25 (Thereupon, Deposition Exhibit 2,</p>	<p style="text-align: right;">Page 165</p> <p>1 A. Yes.</p> <p>2 Q. And why is that?</p> <p>3 A. I thought it was a pretty complete</p> <p>4 document.</p> <p>5 Q. And this was from -- you wrote this</p> <p>6 in 2005; is that right?</p> <p>7 So I can tell you the date, I -- I</p> <p>8 have tried to figure this out, and the date</p> <p>9 that I see is at the top of the cover page. So</p> <p>10 maybe --</p> <p>11 A. Oh, okay.</p> <p>12 Q. -- you can help me.</p> <p>13 A. Yes.</p> <p>14 Q. Does that mean that it was written</p> <p>15 in 2005 or it was written in 2004 for 2005? Do</p> <p>16 you remember?</p> <p>17 A. I believe it was 2005.</p> <p>18 Q. Okay. And this was an addendum to</p> <p>19 a grant application, you said?</p> <p>20 A. Yes.</p> <p>21 Q. What kind of grant?</p> <p>22 A. It was a grant from OCJS. Would</p> <p>23 have been a federal grant for monies to run the</p> <p>24 drug unit.</p> <p>25 Q. And did you get the grant?</p>

<p style="text-align: right;">Page 166</p> <p>1 A. Yes.</p> <p>2 Q. How much was it for; do you</p> <p>3 remember?</p> <p>4 A. Not specifically, no.</p> <p>5 Q. I want to go through some things in</p> <p>6 this document, but before we do, was this</p> <p>7 document accompanied by any kind of, like,</p> <p>8 interview or testimony that you had to give?</p> <p>9 A. It was accompanied by the -- the --</p> <p>10 the application for the grant.</p> <p>11 Q. Right, but then did you have to</p> <p>12 talk to anybody in person?</p> <p>13 A. No.</p> <p>14 Q. And did anyone help you write this?</p> <p>15 A. No.</p> <p>16 Q. Did anyone review it after you</p> <p>17 wrote it?</p> <p>18 A. Other than -- I mean, other than</p> <p>19 people I might have asked for information that</p> <p>20 went into it.</p> <p>21 Q. I see. So you may have gotten data</p> <p>22 or statistics from certain departments; is that</p> <p>23 right?</p> <p>24 A. Yes.</p> <p>25 Q. But you're the one who actually</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. Okay. If we turn to page 5,</p> <p>2 there's a section that starts at the top of the</p> <p>3 page called "Geography" --</p> <p>4 A. Uh-huh.</p> <p>5 Q. -- that goes for a couple of pages;</p> <p>6 is that right?</p> <p>7 A. Yes.</p> <p>8 Q. So this is a longer and more</p> <p>9 detailed version of the geography question I</p> <p>10 was asking you a moment ago, right?</p> <p>11 MR. LEDLIE: Objection.</p> <p>12 Q. This is your view on the geography</p> <p>13 of Summit County?</p> <p>14 A. Yes.</p> <p>15 Q. And so specifically, if you go to</p> <p>16 the bottom of that first full -- that -- that</p> <p>17 full paragraph that's on page 5 --</p> <p>18 A. Uh-huh.</p> <p>19 Q. -- you refer to a network of major</p> <p>20 interstate highways, including I-71, I-76,</p> <p>21 I-77, and I-80, are found in or near Summit</p> <p>22 County, right?</p> <p>23 A. Yes.</p> <p>24 Q. And these highways also allow</p> <p>25 access to other major highways, including I-70,</p>
<p style="text-align: right;">Page 167</p> <p>1 wrote the words in here?</p> <p>2 A. Correct.</p> <p>3 Q. And did anyone review it after you</p> <p>4 wrote it?</p> <p>5 A. I would have presented it to</p> <p>6 Inspector Thornton.</p> <p>7 Q. Do you remember whether he had any</p> <p>8 comments on it?</p> <p>9 A. No, I don't recall.</p> <p>10 Q. What about the sheriff? Did you</p> <p>11 talk to the --</p> <p>12 A. I think I probably would have given</p> <p>13 him a copy as well.</p> <p>14 Q. And do you remember whether --</p> <p>15 A. "Thanks much." Yeah.</p> <p>16 Q. Do you remember whether he had any</p> <p>17 comments beyond thanks?</p> <p>18 A. No.</p> <p>19 Q. Did you share this report with</p> <p>20 County officials?</p> <p>21 A. No.</p> <p>22 Q. Do you remember discussing it with</p> <p>23 anyone, other than what we've just talked</p> <p>24 about?</p> <p>25 A. No, not really.</p>	<p style="text-align: right;">Page 169</p> <p>1 I-75 and I-90, right?</p> <p>2 A. Yes.</p> <p>3 Q. And so you say here, "By location</p> <p>4 alone, the Greater Summit County Ohio area</p> <p>5 presents itself as a prime area of opportunity</p> <p>6 for the transportation and distribution of</p> <p>7 illicit drugs by drug trafficking</p> <p>8 organizations," right?</p> <p>9 A. Yes.</p> <p>10 Q. You believed that in 2005, right?</p> <p>11 A. Yes.</p> <p>12 Q. You continue to believe that today?</p> <p>13 A. Yes.</p> <p>14 Q. And did you believe that before</p> <p>15 2005?</p> <p>16 A. Yes.</p> <p>17 Q. For how long?</p> <p>18 A. From when I started back</p> <p>19 again in -- in 2000, and we were working with</p> <p>20 HIDTA. You know, we had -- I had access to</p> <p>21 more information, and I was able to probably</p> <p>22 get that information, and go, "Oh, okay. I see</p> <p>23 how that works."</p> <p>24 Q. And that's how you started to put</p> <p>25 those pieces together?</p>

<p style="text-align: right;">Page 170</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And then, if we turn to page</p> <p>3 6, if we go to the -- we see that you talk</p> <p>4 about the airports in Summit County in the</p> <p>5 middle of the page, right?</p> <p>6 A. Yes.</p> <p>7 Q. And you even refer there to the</p> <p>8 fact that -- that within 100 miles of Summit</p> <p>9 County are an additional five airports with</p> <p>10 international designations, including Detroit,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And you identified Detroit as the</p> <p>14 source city for the distribution of cocaine?</p> <p>15 A. Yes.</p> <p>16 Q. Including into Summit County,</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 Q. And that's something that you know</p> <p>20 through your experience working narcotics in</p> <p>21 Summit County, right?</p> <p>22 A. Yes.</p> <p>23 Q. Is that still true?</p> <p>24 A. Yes, very.</p> <p>25 Q. Very, you said?</p>	<p style="text-align: right;">Page 172</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And so is that a phenomenon</p> <p>3 that you saw during your time as the commander</p> <p>4 of the unit?</p> <p>5 A. Yes.</p> <p>6 Q. And what -- what were you seeing</p> <p>7 there between the students and the street --</p> <p>8 street gangs?</p> <p>9 A. Just there were a lot of</p> <p>10 opportunistic groups. Pretty much a lot of</p> <p>11 them were just one street area nestled into</p> <p>12 each other, and they were involved in the</p> <p>13 trafficking of anything they could get their</p> <p>14 hands on.</p> <p>15 Q. And did you -- it looks like you</p> <p>16 attributed a significance to Summit County</p> <p>17 having a state university with a transient and</p> <p>18 student population of 23,000. What -- what was</p> <p>19 the significance of that?</p> <p>20 A. A lot of people in and out every</p> <p>21 year. So a lot of new faces, a lot of new</p> <p>22 opportunities.</p> <p>23 Q. For the drug traffickers?</p> <p>24 A. Yes.</p> <p>25 Q. And you're referring specifically</p>
<p style="text-align: right;">Page 171</p> <p>1 A. (Witness nodding head.)</p> <p>2 Q. And then you say -- next you talk</p> <p>3 about Summit County resting within 35 miles of</p> <p>4 the Port of Cleveland, right?</p> <p>5 A. Yes.</p> <p>6 Q. And you talk about craft -- craft</p> <p>7 on the Great Lakes, right?</p> <p>8 A. Correct.</p> <p>9 Q. And that the Great Lakes and the</p> <p>10 St. Lawrence River provide thousands of miles</p> <p>11 of shoreline, right?</p> <p>12 A. Yes.</p> <p>13 Q. And, again, that shoreline is more</p> <p>14 opportunity for craft to come in carrying</p> <p>15 illegal substances, right?</p> <p>16 A. That's correct.</p> <p>17 Q. And that's something that you saw?</p> <p>18 A. We -- we had information about</p> <p>19 boats, yes.</p> <p>20 Q. And then, on page 7, you talk about</p> <p>21 transportation and distribution of drugs in</p> <p>22 inner city areas among students and street</p> <p>23 gangs?</p> <p>24 I'm looking specifically at the</p> <p>25 first full paragraph on page 7.</p>	<p style="text-align: right;">Page 173</p> <p>1 there to the University of Akron, right?</p> <p>2 A. That's correct.</p> <p>3 Q. Kent State is pretty close too,</p> <p>4 right?</p> <p>5 A. Yep. Doesn't sit in Summit County,</p> <p>6 though.</p> <p>7 Q. Right. But it's close by. So that</p> <p>8 would be another large university, right?</p> <p>9 A. It would be, yes.</p> <p>10 Q. Okay. Now, in your report you talk</p> <p>11 about some specific substances, right?</p> <p>12 A. Yes.</p> <p>13 Q. And if you turn to page 41, you see</p> <p>14 you have a section here on heroin.</p> <p>15 A. Yes.</p> <p>16 Q. And you say, "Level of threat,</p> <p>17 high," right?</p> <p>18 A. Yes.</p> <p>19 Q. Are you the one who gave that</p> <p>20 designation?</p> <p>21 A. Yes.</p> <p>22 Q. And how did you make that judgment?</p> <p>23 A. Based on the information we may</p> <p>24 have had at the time.</p> <p>25 Q. And so this was in 2005, so you</p>

<p style="text-align: right;">Page 174</p> <p>1 believed that heroin was a high threat at the 2 time, right? 3 A. Yes. 4 Q. Do you still today? 5 A. Absolutely. 6 Q. And you say, "Heroin's local 7 availability, highly addictive properties, and 8 low cost combine to make it a high-level threat 9 to Summit County, Ohio," right? 10 A. Yes. 11 Q. Those are your words, right? 12 A. They are. 13 Q. And you say, "The availability and 14 abuse of heroin poses a significant threat to 15 Summit County. All types of heroin are 16 available in Summit County, including Mexican 17 brown and black tar and Asian white," right? 18 A. Yes. 19 Q. What does that mean? 20 A. Those are different forms of 21 heroin. 22 Q. Does -- do they -- do the forms 23 tell you anything about where they've come 24 from? 25 MR. LEDLIE: Object to the form.</p>	<p style="text-align: right;">Page 176</p> <p>1 A. Our intelligence would show that 2 Asian white heroin would come in from New York, 3 come across over to Cleveland, and from 4 Cleveland it would be disseminated down. 5 Q. Okay. And then if you turn to page 6 44, that's where you begin your methamphetamine 7 section? 8 A. Uh-huh. 9 Q. Yes? 10 A. Yes. 11 Q. And you say, "Level of threat, very 12 high." 13 A. Yes. 14 Q. Is that to indicate that it was a 15 higher level of threat than heroin? 16 A. We saw a lot more of it. 17 Q. Other than seeing a lot more of it, 18 was there any other reason that it was listed 19 as very high? 20 A. It took up a lot of our time. 21 Q. Is that still true? 22 MR. LEDLIE: Object to the form of 23 the question. 24 A. I don't know whether -- you know, 25 what they're doing. I know I can tell you that</p>
<p style="text-align: right;">Page 175</p> <p>1 A. Mexican brown normally comes from 2 Central America. Asian heroin usually comes 3 out of Asia and Turkey and the Middle East. 4 And black tar is pretty much the same area, 5 just a different form. 6 Q. Same area as? 7 A. As the Asian. 8 Q. And in your experience, how were 9 those forms of heroin getting to Summit County? 10 A. Every way you can possibly imagine. 11 Q. So can you give me some examples? 12 A. They're smuggled in by body. 13 They're brought in by truck. They're brought 14 in planes, and everything you can -- any way 15 you can get something in. 16 Q. If you turn to page 42, at the very 17 bottom under "Transportation," you see that? 18 A. Uh-huh. 19 Q. You -- the sentence that starts and 20 then doesn't -- and then goes over to 43, "The 21 main source for heroin in Summit County is 22 Cleveland, Ohio." You see that? 23 A. Yes. 24 Q. What was the basis for that 25 statement?</p>	<p style="text-align: right;">Page 177</p> <p>1 our lab sites are down, but they've been 2 replaced by crystal meth, and there's a lot of 3 it here. 4 Q. And when you say "our lab sites are 5 down," you mean meth labs? 6 A. Yes. 7 Q. And what is the basis of your 8 knowledge for the lab sites being down and the 9 crystal -- and there being a lot of crystal 10 meth here? 11 A. My having spoken to the current 12 commander of the drug unit. 13 Q. Okay. If you turn to page 62 for 14 me. 15 A. 6-2 or 5-2? 16 Q. 6-2. Unless there's something on 17 5-2 you'd like to talk about. 18 You see you have a section on 19 pharmaceuticals here? 20 A. Uh-huh. 21 Q. And you say the level of threat is 22 very high, right? 23 A. Yes. 24 Q. Now, what made you say that the 25 level of threat for pharmaceuticals was very</p>

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1 high?

2 A. I would assume we were probably

3 seeing a lot.

4 Q. Do you recall specifically?

5 A. No.

6 Q. And this was 2005, right?

7 A. Uh-huh.

8 Q. So at least by 2005 you had

9 identified pharmaceuticals as a very high level

10 of threat, right?

11 A. Yes.

12 Q. And as we saw, heroin as a high

13 level of threat, right?

14 A. Yes.

15 Q. So at least by 2005 you were very

16 aware of opioid issues in Summit County, right?

17 MR. LEDLIE: Object to the form of

18 the question.

19 A. Through the information that I was

20 gathering for this, yes.

21 Q. Well, this is your report, right?

22 A. It is my report.

23 Q. And you put things in here that you

24 were relying on, right?

25 A. Yes.

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1 Q. Now, you say here, "The diversion

2 of narcotics and pain analgesics in Summit

3 County continues to increase," right?

4 A. Yes.

5 Q. If you say it continues to

6 increase, it must have started earlier, right?

7 MR. LEDLIE: Object to the form.

8 A. It would seem like probably every

9 year the -- the numbers went up. Now, mind

10 you, if we got 5 of something one year and 10

11 the next year, there was a 100 percent

12 increase, and they --

13 Q. Well, fair enough, sir. But, I

14 mean --

15 A. Yeah.

16 Q. -- you're the one who said it was a

17 very high threat, right?

18 MR. LEDLIE: Object to the form.

19 A. Yes.

20 Q. Okay. And you see on the next

21 page, on 63 at the top, the beginning of the

22 first full paragraph --

23 A. Uh-huh.

24 Q. -- you see, "In a sampling." Do

25 you see that?

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1 A. Yes.

2 Q. It says, "In a sampling of data

3 from the Akron Police Department's narcotics

4 unit diversion division, during the first

5 quarter of 2004, the unit investigated 60 new

6 diversion cases, or one case every day and a

7 half," right?

8 A. Okay.

9 Q. Is it -- is that consistent with

10 your recollection of what you were seeing at

11 the time?

12 A. That would've been information -- I

13 probably walked over there and said, "Hey, what

14 are you seeing?" and that's what they gave me.

15 Q. Right, but you had diversion cases

16 in your unit too, right?

17 A. Yes, we did.

18 Q. And is this consistent with your

19 recollection of the kinds of things you were

20 facing at the time?

21 MR. LEDLIE: Object to the form of

22 the question.

23 A. Yeah, I'm not sure -- I mean, we

24 saw diversion cases, and they had a specific

25 unit dedicated to that, so that information

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1 would have been a little easier for me to pick

2 up.

3 Q. So Summit County saw some diversion

4 cases, but Akron had a dedicated diversion

5 unit?

6 A. Yes.

7 Q. And so was it your understanding

8 they handled more of the diversion cases?

9 A. They had a unit that was designated

10 to do that, yes.

11 Q. No --

12 A. That was their whole job, so I'm

13 guessing they would have seen more.

14 Q. Okay. Do you have any recollection

15 of them having more diversion cases than your

16 unit?

17 A. I mean, I don't know what the

18 numbers were, but, again, if you have a unit

19 that's designed to just specifically go do

20 that, then they probably would have had better

21 numbers than we had, just taking whatever calls

22 we got.

23 Q. Sure. I can make that logical

24 leap, too, but you were there, which is why I'm

25 asking you.

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1 MR. LEDLIE: Object to the form of
2 the question.
3 A. Yeah. I don't -- I don't remember
4 what the numbers were.
5 Q. Okay. And so your reference here
6 is to the first quarter of 2004, right? In
7 that first sentence?
8 A. Yes.
9 Q. Okay. So some of the data that you
10 were using to compile this report was from
11 early 2004, right?
12 A. Yes.
13 Q. Okay. And if you look at the end
14 of that paragraph where you're talking about
15 information you've received from the Summit
16 County Medical Examiner's Office.
17 A. Okay.
18 Q. Do you see that? The same
19 paragraph.
20 A. Yes.
21 Q. You see that the last sentence
22 there says, "The report also indicates that in
23 cases where toxicology screens indicate the
24 cause of death was drug induced, the most
25 commonly found drug were, in ranking order,

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1 methadone, morphine/fentanyl, oxycodone, and
2 hydrocodone," right?
3 A. Yes.
4 Q. And is that consistent with your
5 recollection?
6 A. If I got that information from
7 them, that's what I put down.
8 Q. Okay. I'm just asking what you
9 recall.
10 A. Yeah, I don't exactly recall. It's
11 been a long time.
12 Q. Okay. But you would rely on this
13 information?
14 A. Yes.
15 Q. If you turn to page 64, please.
16 You see you have a section on "Production"
17 here.
18 A. Okay.
19 Q. And you say, "Pharmaceuticals are
20 not normally produced in Summit County, but are
21 legitimately produced by medical companies and
22 then diverted through criminal acts," right?
23 A. Yes.
24 Q. You still believe that to be true,
25 right?

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1 MR. LEDLIE: Object to the form of
2 the question.
3 A. As the sentence reads, it -- yes.
4 Q. That is a true statement, right?
5 A. Yes.
6 Q. And -- and then if you look further
7 down, you see you have a section on
8 distribution, right?
9 A. Yes.
10 Q. And it looks like you say here,
11 "Distribution of diverted pharmaceuticals in
12 Summit County is primarily through the
13 individuals involved in the diversion or the
14 theft of drugs," right?
15 A. Yes.
16 Q. "Pharmaceuticals are diverted in
17 several ways," right?
18 A. Correct.
19 Q. And then you have a listing that
20 starts on page 65?
21 A. Yes.
22 Q. And it looks like you have four
23 major categories there; is that right?
24 A. Yes.
25 Q. And the categories you list are

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1 doctor shopping, right?
2 A. Yes.
3 Q. Prescription fraud?
4 A. Yes.
5 Q. Theft?
6 A. Yes.
7 Q. And unscrupulous physicians?
8 A. Yes.
9 Q. And when you say "unscrupulous
10 physicians," it looks like you are referring
11 there to physicians who illegally prescribe
12 narcotics, right?
13 A. Yes.
14 Q. Each of these four major categories
15 that you've identified are illegal acts, right?
16 A. Yes.
17 Q. In your unscrupulous physicians
18 category, if you turn to page 66 --
19 A. Yes.
20 Q. -- you say, "Several physicians in
21 the Summit County area have been investigated
22 and charged with diverting pharmaceuticals,"
23 right?
24 A. Yes.
25 Q. Do you recall who you're referring

<p style="text-align: right;">Page 186</p> <p>1 to there?</p> <p>2 A. If I heard the names, I probably</p> <p>3 would. I can't recall offhand.</p> <p>4 Q. Do you recall whether all of those</p> <p>5 who were investigated were, in fact, charged?</p> <p>6 A. Yeah, I think we got them all</p> <p>7 eventually. May have taken a while, but we</p> <p>8 did.</p> <p>9 Q. Am I right in thinking that</p> <p>10 sometimes you investigate individuals who you</p> <p>11 have a lot of reason to believe are guilty but</p> <p>12 you just aren't able to bring a case?</p> <p>13 MR. LEDLIE: Object to the form of</p> <p>14 the question.</p> <p>15 A. It happens.</p> <p>16 Q. Do you recall that having happened</p> <p>17 with any of these unscrupulous physicians?</p> <p>18 A. No. I think eventually we got them</p> <p>19 all.</p> <p>20 Q. And you say, "In one notable case,</p> <p>21 a doctor utilized more than 25 alias names to</p> <p>22 obtain Percodan for his personal use. The</p> <p>23 doctor was arrested again in 2003 for more</p> <p>24 diversion violations," right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 188</p> <p>1 Q. Who else would you say is in the</p> <p>2 mix?</p> <p>3 A. Technically, everybody that's</p> <p>4 involved with them.</p> <p>5 Q. The traffickers?</p> <p>6 A. The traffickers.</p> <p>7 Q. The people who take them illegally?</p> <p>8 A. People who take them. Legitimate</p> <p>9 doctors.</p> <p>10 Q. Legitimate doctors?</p> <p>11 A. Legitimate doctors.</p> <p>12 Q. Why do you say legitimate doctors?</p> <p>13 A. They write the scripts for them.</p> <p>14 Q. Legal scripts --</p> <p>15 A. Sometimes unbeknownst that the guys</p> <p>16 are doctor shopping, maybe, or doctor hopping,</p> <p>17 but they're still writing them.</p> <p>18 Q. Are you saying that there just</p> <p>19 should be no prescriptions for opioids?</p> <p>20 MR. LEDLIE: Object to form.</p> <p>21 A. No. I'm saying that since we have</p> <p>22 tools like OARRS, they should be looking at</p> <p>23 them and using it.</p> <p>24 Q. Are you aware of doctors who don't?</p> <p>25 A. There were for a long time. I know</p>
<p style="text-align: right;">Page 187</p> <p>1 Q. Do you remember who that was?</p> <p>2 A. No, I can't remember his name. I'm</p> <p>3 the one that got him.</p> <p>4 Q. Do you know where we -- where we</p> <p>5 could go to find the names of these physicians</p> <p>6 you're referring to here?</p> <p>7 A. You'd have to dig through case</p> <p>8 files or maybe court dockets for that year,</p> <p>9 might be an easy way. I don't know. He was a</p> <p>10 surgeon.</p> <p>11 Q. Did you keep any kind of a list</p> <p>12 of -- of dirty doctors that you took down,</p> <p>13 anything like that?</p> <p>14 A. No.</p> <p>15 Q. Do you know whether there were</p> <p>16 any -- was anybody who kept sort of statistics</p> <p>17 on that who might have a list?</p> <p>18 A. No, I couldn't -- I couldn't</p> <p>19 even -- couldn't even guess.</p> <p>20 Q. Okay. But you would agree with me</p> <p>21 that doctors like these are a cause of the</p> <p>22 opioid problem, right?</p> <p>23 MR. LEDLIE: Object to the form of</p> <p>24 the question.</p> <p>25 A. They're in the mix.</p>	<p style="text-align: right;">Page 189</p> <p>1 the State made a big push, made a mandate that</p> <p>2 they had to use it. They had to force them to</p> <p>3 use it.</p> <p>4 Q. So you would identify that as a</p> <p>5 problem when they --</p> <p>6 A. Yes.</p> <p>7 Q. -- were not using it, but they</p> <p>8 could have; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. Anything else?</p> <p>11 A. If they're being over-manufactured.</p> <p>12 Q. You say "if."</p> <p>13 A. If they're being over-distributed.</p> <p>14 Q. Do you have any -- any evidence of</p> <p>15 that?</p> <p>16 MR. LEDLIE: Could you please</p> <p>17 let --</p> <p>18 A. I have not.</p> <p>19 MR. LEDLIE: -- him finish his</p> <p>20 answer.</p> <p>21 A. You're asking me for my -- my</p> <p>22 opinion, were you not?</p> <p>23 Q. No, sir. I was asking what you</p> <p>24 were aware of as the cause. You were talking</p> <p>25 about doctors you had investigated, but do you</p>

<p style="text-align: right;">Page 190</p> <p>1 have any evidence of over-manufacturing at all?</p> <p>2 A. I don't.</p> <p>3 Q. Do you have any evidence of</p> <p>4 over-distributing?</p> <p>5 MR. LEDLIE: Object to the form of</p> <p>6 the question.</p> <p>7 A. Personally, no.</p> <p>8 Q. In your decades-long career as a</p> <p>9 narcotics officer, you have no evidence of</p> <p>10 that, right?</p> <p>11 MR. LEDLIE: Object to the form of</p> <p>12 the question.</p> <p>13 A. I'm not involved with that.</p> <p>14 Q. You have no evidence of it, right?</p> <p>15 A. I have none.</p> <p>16 MS. SAULINO: Okay. I think now</p> <p>17 might be a time for a lunch break.</p> <p>18 MR. LEDLIE: Yeah, it's almost</p> <p>19 1:10, so I agree.</p> <p>20 THE VIDEOGRAPHER: Off the record,</p> <p>21 1:06.</p> <p>22 (Luncheon recess.)</p> <p>23 THE VIDEOGRAPHER: We're on the</p> <p>24 record, 1:53.</p> <p>25 - - - - -</p>	<p style="text-align: right;">Page 192</p> <p>1 or -- they're there for trying to make a</p> <p>2 purchase or -- of some equipment, to vote on</p> <p>3 whether or not we should do that.</p> <p>4 Q. Okay. And how -- did you do these</p> <p>5 annual reports every year that you were a --</p> <p>6 the commander of the unit?</p> <p>7 A. Yes.</p> <p>8 Q. Did you do them more frequently</p> <p>9 than annually?</p> <p>10 A. I reported to OCJS on a quarterly</p> <p>11 basis, and HIDTA -- HIDTA may have been</p> <p>12 quarterly also. I can't recall exactly.</p> <p>13 Q. So this Exhibit 3 has, on the very</p> <p>14 first page, "Submitted by Captain Hylton E.</p> <p>15 Baker, Commander." That's you, right?</p> <p>16 A. That's me, yes.</p> <p>17 Q. But for any annual report submitted</p> <p>18 between 2001 and 2012, they would be yours?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And would you continue to</p> <p>21 stand by anything that you wrote in any of</p> <p>22 them --</p> <p>23 MR. LEDLIE: Object --</p> <p>24 Q. -- with respect to your views and</p> <p>25 understanding at the time they were written?</p>
<p style="text-align: right;">Page 191</p> <p>1 (Thereupon, Deposition Exhibit 3,</p> <p>2 Document Titled "2009 Annual</p> <p>3 Report," SUMMIT_000830645 to</p> <p>4 000830682, was marked for purposes</p> <p>5 of identification.)</p> <p>6 - - - - -</p> <p>7 BY MS. SAULINO:</p> <p>8 Q. Commander Baker, you have just been</p> <p>9 handed what has been marked as Baker Exhibit 3.</p> <p>10 Do you recognize this document?</p> <p>11 A. Yes.</p> <p>12 Q. What is it?</p> <p>13 A. This is an annual report to my</p> <p>14 supervisors and the board of directors of the</p> <p>15 drug unit.</p> <p>16 Q. And what is the board of directors</p> <p>17 of the drug unit? What does that mean?</p> <p>18 A. That's the -- the heads of all the</p> <p>19 departments that supply a man, and the</p> <p>20 prosecutor's office.</p> <p>21 Q. Okay. And did they have any</p> <p>22 supervisory authority over you in the unit as</p> <p>23 a -- as a -- as a board?</p> <p>24 A. I -- I report my activities to</p> <p>25 them, and if they want to change something</p>	<p style="text-align: right;">Page 193</p> <p>1 A. Again, please?</p> <p>2 Q. So would you continue to stand by</p> <p>3 anything that you wrote in -- in any one of</p> <p>4 those with respect to your views and</p> <p>5 understanding at the time that it was written?</p> <p>6 MR. LEDLIE: Objection to the form.</p> <p>7 A. At the time that it was written,</p> <p>8 yeah.</p> <p>9 Q. Sorry. You got interrupted.</p> <p>10 A. Oh, at the time it was written,</p> <p>11 yes, I...</p> <p>12 Q. Okay. You can put that one aside.</p> <p>13 - - - - -</p> <p>14 (Thereupon, Deposition Exhibit 4,</p> <p>15 11/1/2010 E-Mail from Hylton Baker</p> <p>16 Re: Heroin Epidemic in Akron, OH,</p> <p>17 SUMMIT_001009696 to 001009697, was</p> <p>18 marked for purposes of</p> <p>19 identification.)</p> <p>20 - - - - -</p> <p>21 Q. Captain Baker, you've just been</p> <p>22 handed Baker Exhibit 4, which is an e-mail</p> <p>23 chain, the top e-mail of which is from you to</p> <p>24 crystal@neofill.com. It's from November 1,</p> <p>25 2010. Do you see that?</p>

<p style="text-align: right;">Page 194</p> <p>1 A. Yes.</p> <p>2 Q. Do you recognize this e-mail?</p> <p>3 A. Okay. It probably came in some</p> <p>4 day, but go ahead.</p> <p>5 Q. I simply asked if you recognized</p> <p>6 it.</p> <p>7 A. Yes.</p> <p>8 Q. And do you recall it having a -- do</p> <p>9 you recall having sent it in 2010?</p> <p>10 A. No.</p> <p>11 Q. Do you recall anything about it?</p> <p>12 A. No.</p> <p>13 Q. Had you seen it before now?</p> <p>14 A. No.</p> <p>15 Q. Now that you have reviewed it, does</p> <p>16 it look somewhat familiar to you?</p> <p>17 A. It has my name on it. I'm assuming</p> <p>18 I wrote it.</p> <p>19 Q. Yeah. You have no reason to</p> <p>20 believe that you didn't, right?</p> <p>21 A. Correct.</p> <p>22 Q. And you see here that you appear to</p> <p>23 be responding to a citizen of Mogadore, Ohio,</p> <p>24 who was writing about her concerns about issues</p> <p>25 related to opioids. Is that fair?</p>	<p style="text-align: right;">Page 196</p> <p>1 Q. Pain medication addiction.</p> <p>2 A. Continue to do whatever cases came</p> <p>3 down the path.</p> <p>4 Q. Anything more than that?</p> <p>5 A. No.</p> <p>6 Q. And why not?</p> <p>7 A. We were working the cases we had.</p> <p>8 If we didn't get any information or</p> <p>9 intelligence or somebody that could help us,</p> <p>10 then we didn't go that direction. We went in</p> <p>11 whatever direction we were led.</p> <p>12 Q. You guys kept pretty busy, though,</p> <p>13 right?</p> <p>14 A. Very.</p> <p>15 Q. Now, you say next, "Every day ad</p> <p>16 agencies bombard us with how much easier life</p> <p>17 can be with the right medications."</p> <p>18 A. Yes.</p> <p>19 Q. Were you referring to any</p> <p>20 particular ad?</p> <p>21 A. Televisions commercials in general.</p> <p>22 Q. Any particular medication?</p> <p>23 A. No. Every night you could turn the</p> <p>24 television on: If this hurts, if that hurts,</p> <p>25 tell your doctor you want this. If this</p>
<p style="text-align: right;">Page 195</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Now, you say here in your --</p> <p>3 first you thank her for her concerns and you</p> <p>4 express your condolences. And then you say,</p> <p>5 "As you are all too aware, pain medication,</p> <p>6 addiction, and accidental overdose deaths are</p> <p>7 at an all-time high."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Were you referring to any</p> <p>11 particular statistics when you wrote that</p> <p>12 sentence?</p> <p>13 A. A specific statistic, I don't know.</p> <p>14 Probably a culmination of information I had.</p> <p>15 Q. Nothing that you can identify</p> <p>16 particularly?</p> <p>17 A. Particularly, no.</p> <p>18 Q. Okay. And when did pain medication</p> <p>19 addiction begin to rise?</p> <p>20 A. If you want a specific date, I</p> <p>21 can't give you a specific date. I don't know.</p> <p>22 Q. Okay. Now, you say -- well, did</p> <p>23 the drug unit -- what did the drug unit do in</p> <p>24 response to the rise?</p> <p>25 A. The rise in?</p>	<p style="text-align: right;">Page 197</p> <p>1 doesn't work, tell your doctor you want this.</p> <p>2 That's it.</p> <p>3 Q. You specifically remember being --</p> <p>4 seeing that in November of 2010?</p> <p>5 MR. LEDLIE: Object to the form of</p> <p>6 the question.</p> <p>7 A. If I specifically remember, I don't</p> <p>8 know. Obviously I wrote it down there, so it</p> <p>9 must have been.</p> <p>10 Q. Well, I'm just asking what you were</p> <p>11 referring to, though.</p> <p>12 A. Like television commercials in</p> <p>13 general for drugs.</p> <p>14 Q. Do you have an independent</p> <p>15 recollection that you saw, as I think as you</p> <p>16 just said, every night, television commercials</p> <p>17 for drugs?</p> <p>18 MR. LEDLIE: Object to the form of</p> <p>19 the question.</p> <p>20 A. I can remember turning the</p> <p>21 television on and seeing drug commercials.</p> <p>22 Q. But you don't remember which ones?</p> <p>23 A. There was a lot of different ones.</p> <p>24 Q. Do you remember what the ads were</p> <p>25 for?</p>

<p style="text-align: right;">Page 198</p> <p>1 A. They were selling drugs.</p> <p>2 Q. For any particular type of</p> <p>3 condition?</p> <p>4 A. There were sleep aids. There</p> <p>5 were -- I remember in particular sleep aids. I</p> <p>6 know there were others, but I can't</p> <p>7 specifically tell you what they were.</p> <p>8 Q. And did you discuss these ads with</p> <p>9 anyone else inside the drug unit?</p> <p>10 A. No, not really.</p> <p>11 Q. What about in the sheriff's office</p> <p>12 more broadly?</p> <p>13 A. No. Nothing I can recall.</p> <p>14 Q. What about anybody in the Summit</p> <p>15 County government?</p> <p>16 A. Summit County government, no.</p> <p>17 Q. Anybody at all that you recall?</p> <p>18 A. I'm sure I mentioned it in</p> <p>19 presentations.</p> <p>20 Q. And did you or the drug unit</p> <p>21 investigate these ads or ad agencies?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p> <p>24 A. No reason to.</p> <p>25 Q. Because they weren't doing anything</p>	<p style="text-align: right;">Page 200</p> <p>1 A. Yes.</p> <p>2 Q. Are there -- is there a way to look</p> <p>3 in case files to find his name?</p> <p>4 A. I don't know. You'd have to search</p> <p>5 case by case by case, probably.</p> <p>6 Q. Has anyone asked you to identify</p> <p>7 the names of doctors that they should be</p> <p>8 providing case files to us about?</p> <p>9 A. No.</p> <p>10 Q. Does the name John Wargo sound</p> <p>11 familiar?</p> <p>12 A. That name sounds familiar.</p> <p>13 Q. Might that be the name of a doctor</p> <p>14 that you investigated?</p> <p>15 A. I believe it is, yes.</p> <p>16 Q. Is it the same one that we're --</p> <p>17 you're thinking of or a different one?</p> <p>18 A. Different one.</p> <p>19 Q. Different one, okay.</p> <p>20 Were there any pill mills in Summit</p> <p>21 County?</p> <p>22 A. Well, we had a doctor that I</p> <p>23 believe Akron finally actually got. The</p> <p>24 intelligence was that if you had money, you</p> <p>25 could walk in and get a script. That would be</p>
<p style="text-align: right;">Page 199</p> <p>1 illegal?</p> <p>2 MR. LEDLIE: Object to the form of</p> <p>3 the question.</p> <p>4 A. Because we had no reason to</p> <p>5 investigate them.</p> <p>6 Q. You next wrote, "Pill mills and</p> <p>7 doctors write prescriptions and hand them out</p> <p>8 not unlike candy to trick-or-treaters," right?</p> <p>9 A. Okay. Yes.</p> <p>10 Q. Were you referring to any</p> <p>11 particular doctors or pill mills?</p> <p>12 A. Information that I got from other</p> <p>13 commanders where they were having major</p> <p>14 problems with those.</p> <p>15 Q. Were you having any major problems</p> <p>16 with those?</p> <p>17 A. We had some bad doctors.</p> <p>18 Q. Any that you can remember the names</p> <p>19 of?</p> <p>20 A. No, I can't remember his name.</p> <p>21 Q. You were thinking of one?</p> <p>22 A. One major one that I can recall,</p> <p>23 but I just -- I can't remember his name.</p> <p>24 Q. And is this one that we have</p> <p>25 discussed previously today?</p>	<p style="text-align: right;">Page 201</p> <p>1 a pill mill.</p> <p>2 Q. And who was that?</p> <p>3 A. Yeah, I can't -- that's the guy I</p> <p>4 can't remember his name either. I saw a lot of</p> <p>5 names. I don't remember names.</p> <p>6 Q. How many pill mills do you believe</p> <p>7 there were in Summit County during your time as</p> <p>8 the commander of the unit?</p> <p>9 A. I knew one, and the doctor was</p> <p>10 eventually arrested. Other than that, I</p> <p>11 can't -- I can't give you an answer.</p> <p>12 Q. And you don't remember the name of</p> <p>13 the --</p> <p>14 A. Personally.</p> <p>15 Q. You don't remember the name of the</p> <p>16 doctor?</p> <p>17 A. No, I can't remember his name.</p> <p>18 Q. Where was the pill mill?</p> <p>19 A. In Akron.</p> <p>20 Q. Do you remember more specifically</p> <p>21 than just Akron?</p> <p>22 A. It's off of Market Street.</p> <p>23 Q. Do you remember an address?</p> <p>24 A. No.</p> <p>25 Q. Do you remember roughly the block?</p>

<p style="text-align: right;">Page 202</p> <p>1 Market Street runs for a while. 2 A. Yes, it does. It's going out 3 towards Fairlawn, out in the area of -- what's 4 out there? The Two Turtles pet shop is out 5 there. I think Trecaso's is out there that way 6 now, a restaurant. 7 Q. What -- I'm sorry. I missed the 8 name. 9 A. Trecaso's. 10 Q. Oh, Trecaso's. Uh-huh. 11 Are you thinking of the plaza 12 that's across the street from St. Hilary's 13 Church? 14 A. From where? 15 Q. St Hilary's Church. That plaza 16 there? 17 A. Oh, I don't know. 18 Q. Is Skyway near there? 19 A. What's that? 20 Q. Skyway near there? 21 A. That doesn't ring any bells. 22 Q. Okay. You think it's closer in to 23 Akron from there? 24 A. Yes. 25 Q. A little bit closer in?</p>	<p style="text-align: right;">Page 204</p> <p>1 Q. And you don't recall any other pill 2 mills during your time as the commander of the 3 unit? 4 A. Nothing sticks out. 5 Q. Now, in this sentence -- well, in 6 this paragraph you identify ad agencies, pill 7 mills, and doctors, right, as being problems? 8 A. Yeah. 9 Q. Okay. You don't mention anywhere 10 in this paragraph manufacturers of 11 pharmaceutical medications, do you? 12 A. In that paragraph, I do not, no. 13 Q. And you don't mention anywhere in 14 that paragraph distributors of pharmaceutical 15 medications, do you? 16 A. It does not mention that in that 17 paragraph, no. 18 Q. And you don't mention anywhere in 19 that paragraph lawfully operating pharmacies, 20 commercial pharmacies, do you? 21 A. It does not mention that. 22 Q. And then you say in the next 23 paragraph, "We here in Summit County, as all 24 the counties in Ohio, as well as the greater 25 United States, are currently experiencing a</p>
<p style="text-align: right;">Page 203</p> <p>1 A. Yeah. It's out -- it's out right 2 in that area by Two Turtles. 3 Q. By Two Turtles? 4 A. Uh-huh. 5 Q. Okay. And when do you think this 6 arrest happened, roughly? 7 A. I don't recall. I can't tell you. 8 Q. Can you give us even a span of 9 years so that we can look -- 10 A. Boy, I -- I don't even know if I 11 can give you that. 12 Q. Okay. Do you know who might 13 remember? 14 A. Probably Akron guys. They got him, 15 I think, so... 16 Q. And so that's the one pill mill 17 that you can identify. And what makes you call 18 it a pill mill? 19 MR. LEDLIE: Object to the form of 20 the question. 21 A. Our intelligence was if you had the 22 cash, you could go in and get a script. 23 Q. Okay. So in your view that is a 24 pill mill? 25 A. That's a pill mill.</p>	<p style="text-align: right;">Page 205</p> <p>1 surge in Mexican-based heroin," right? 2 A. Yes. 3 Q. Do you recall that? 4 A. Yes. 5 Q. The surge? 6 A. What's that? 7 Q. The surge that you referred to? 8 A. Yes. 9 Q. When did that surge begin? 10 A. I can't give you an exact date when 11 all of a sudden there was a lot of heroin here, 12 but probably a year or two before, maybe. 13 Q. So around maybe 2008? 14 A. It could have been. 15 Q. And how did you know that it was 16 Mexican-based? 17 A. It was Mexican brown heroin. 18 Q. And you say next, "Unfortunately, 19 this heroin is also stronger than the heroin we 20 observed in the past," right? 21 A. Yes. 22 Q. "And the stronger heroin has 23 certainly taken its toll all by itself, but we 24 have also seen that it is being mixed with or 25 abused alongside prescription drugs," right?</p>

<p style="text-align: right;">Page 206</p> <p>1 A. Yes.</p> <p>2 Q. When did the heroin become</p> <p>3 stronger?</p> <p>4 A. When it -- when we started -- when</p> <p>5 the surge came in, it was a little bit purer</p> <p>6 heroin than we used to see.</p> <p>7 Q. And what did the drug unit do about</p> <p>8 this problem?</p> <p>9 A. It did investigations.</p> <p>10 Q. Anything else?</p> <p>11 A. That's it.</p> <p>12 Q. Did you discuss the topic with</p> <p>13 the -- with anyone else in the sheriff's</p> <p>14 office?</p> <p>15 A. No, not really.</p> <p>16 Q. What about --</p> <p>17 A. I mean --</p> <p>18 Q. -- anyone -- oh, go ahead.</p> <p>19 A. Other than -- you know, other than</p> <p>20 they were seeing heroin or were making some</p> <p>21 heroin cases.</p> <p>22 Q. What about anyone in the Summit</p> <p>23 County government? Did you discuss the topic</p> <p>24 with anyone there?</p> <p>25 A. No. Didn't deal with them.</p>	<p style="text-align: right;">Page 208</p> <p>1 people more quickly?</p> <p>2 A. Yes.</p> <p>3 Q. When did the drug unit become aware</p> <p>4 that heroin is mixed with prescription drugs?</p> <p>5 A. Well, I know we saw -- I'm not sure</p> <p>6 the date. It must have been around 2004 or</p> <p>7 earlier we saw heroin taken in Stow that was</p> <p>8 mixed with fentanyl. And there were other</p> <p>9 samples, I think, that we got back from the DEA</p> <p>10 lab that had other substances in it as well.</p> <p>11 Q. Can you elaborate on that a bit?</p> <p>12 A. If we're doing a case that was</p> <p>13 going to be a federal case, the evidence went</p> <p>14 to the DEA laboratories.</p> <p>15 Q. Okay.</p> <p>16 A. And so the DEA laboratories</p> <p>17 actually could analyze all the chemicals that</p> <p>18 were in a specific batch of evidence and the --</p> <p>19 and the weight of the actual chemicals.</p> <p>20 The nice thing about that was if</p> <p>21 you had a case that connected maybe to another</p> <p>22 case on the other side of the country, those</p> <p>23 chemicals and -- and their weights were almost</p> <p>24 like a fingerprint, so you could kind of</p> <p>25 connect distributors that way.</p>
<p style="text-align: right;">Page 207</p> <p>1 Q. You didn't deal with them?</p> <p>2 A. Not on a daily basis, no.</p> <p>3 Q. With anyone in the Ohio state</p> <p>4 government, did you discuss this topic?</p> <p>5 MR. LEDLIE: Object to the form of</p> <p>6 the question.</p> <p>7 A. I mean, we obviously made reports</p> <p>8 that would have shown that we were doing some</p> <p>9 heroin investigations.</p> <p>10 Q. Other than that?</p> <p>11 A. Other than that, no. Other than</p> <p>12 maybe some talk between commanders, "Hey, what</p> <p>13 do you got going? What are you seeing?"</p> <p>14 Q. Do your comments here indicate that</p> <p>15 the stronger heroin made things worse?</p> <p>16 A. Sure.</p> <p>17 Q. And would you agree that stronger</p> <p>18 heroin worsened the opioid epidemic?</p> <p>19 MR. LEDLIE: Object to the form of</p> <p>20 the question.</p> <p>21 A. I don't know that it worsens it.</p> <p>22 It adds a -- another level of danger.</p> <p>23 Q. Because it's more potent?</p> <p>24 A. Yes.</p> <p>25 Q. And does that mean it can kill</p>	<p style="text-align: right;">Page 209</p> <p>1 So the state's laboratory didn't do</p> <p>2 that. The state just told us whether or not it</p> <p>3 was a drug.</p> <p>4 Q. And so -- so what do you recall</p> <p>5 having seen from the DEA labs that was coming</p> <p>6 back with the heroin?</p> <p>7 A. As I recall, there was -- there</p> <p>8 were some other samples that had fentanyl in</p> <p>9 them.</p> <p>10 Q. So it was fentanyl and heroin,</p> <p>11 really, that you were seeing combined?</p> <p>12 A. Yes.</p> <p>13 Q. And what did the drug unit do about</p> <p>14 this problem?</p> <p>15 A. We made cases.</p> <p>16 Q. And did you discuss it with anyone</p> <p>17 in the sheriff's office, other than the folks</p> <p>18 who were making cases?</p> <p>19 MR. LEDLIE: Object to the form of</p> <p>20 the question. Asked and answered.</p> <p>21 A. I obviously reported to my boss,</p> <p>22 that, hey, we're making whatever cases we were</p> <p>23 making at the time. The board knew.</p> <p>24 Q. I'm sorry?</p> <p>25 A. The board knew what kind of cases</p>

<p style="text-align: right;">Page 210</p> <p>1 we were doing. We gave them that information. 2 Q. And did you discuss the problem 3 with anyone in Summit County government? 4 A. No. 5 Q. And anyone in state government? 6 A. No, other than the annual -- my -- 7 my reports that would go down to OCJS. 8 Q. You then say, "Please know that we 9 here at the Summit County Drug Unit, as well as 10 task forces around the state and other 11 agencies, are working in a cohesive effort to 12 identify the sources of this heroin and disrupt 13 and dismantle the organizations that distribute 14 it within our communities." 15 A. Uh-huh. 16 Q. Yes? 17 A. Yes. 18 Q. What were -- what were you 19 referring to here? 20 A. We were making cases; hopefully 21 being able to work our way up the ladders. 22 Q. And you say you were working in a 23 cohesive effort -- effort to identify the 24 sources of this heroin? 25 A. We were talking to each other.</p>	<p style="text-align: right;">Page 212</p> <p>1 about drug trafficking. What is your 2 definition of what drug trafficking is? 3 A. Trafficking is the sale, barter, 4 exchange or gift of a drug. 5 Q. Illegally? 6 MR. LEDLIE: Object to the form of 7 the question. 8 Q. Illegally? 9 A. Sale, barter, or exchange makes it 10 illegal. 11 Q. Well, are you including lawfully 12 licensed pharmacies as traffickers in your 13 view? 14 A. If they are following under the 15 color of law, no. 16 Q. Okay. So lawful and licensed 17 pharmacies lawfully selling prescriptions that 18 have been prescribed for a patient are not 19 trafficking in drugs, right? 20 A. Correct. 21 Q. And manufacturers or distributors 22 that are operating under licenses from the 23 appropriate authorities are not trafficking in 24 drugs, right? 25 MR. LEDLIE: Object to the form of</p>
<p style="text-align: right;">Page 211</p> <p>1 Q. Other than talking to each other, 2 were -- what -- what else were you doing? 3 A. Nothing. 4 Q. What other actions did the drug 5 unit take to combat the opioid epidemic during 6 your tenure as commander? 7 MR. LEDLIE: Object to the form of 8 the question. 9 A. We just made cases. 10 Q. Anything else? 11 A. No. 12 Q. Since you retired, is it your view 13 that the opioid epidemic has gotten better or 14 worse? 15 A. Since I retired? Well, we're still 16 seeing a lot of overdose deaths attributed to 17 opioids, so it hasn't really gotten any better. 18 It probably hasn't gotten any worse. 19 Q. And when you say a lot of opioid 20 deaths attributed to opioids, you're including 21 heroin and fentanyl in that category, correct? 22 A. Yes. 23 Q. Okay. You can put that one aside. 24 You've got a nice little pile there. 25 We've talked a few times today</p>	<p style="text-align: right;">Page 213</p> <p>1 the question. 2 A. Under their lawful business, within 3 the scope of their business, as long as they're 4 in the lawful scope of their business. 5 Q. Are you suggesting that you have 6 any evidence that -- 7 A. I'm not. You're asking me what my 8 definition is, and I'm telling you what my 9 definition is, but if they're outside of the 10 scope of their lawful business, then they fall 11 into my definition. 12 Q. Okay. So -- fair enough. 13 So trafficking of drugs is -- I 14 think you provided me a whole list, including 15 selling and providing drugs illegally, right? 16 That's just what I'm asking you. 17 A. And what I'm telling you is that a 18 legitimate transaction can turn illegal. So -- 19 Q. Okay. So let me just make sure I 20 understand. So you've already agreed with me 21 that a lawfully licensed pharmacy that is 22 lawfully selling a prescription that has been 23 prescribed for a patient is not trafficking in 24 drugs, right? 25 A. Correct.</p>

<p style="text-align: right;">Page 214</p> <p>1 Q. Okay. As long as the entity is 2 operating lawfully within its license, you 3 don't consider them trafficking at that point, 4 right? 5 A. Correct. 6 Q. Okay. Anything operating outside 7 of its license would be illegal, right? 8 A. That would be correct. 9 Q. So trafficking, by necessity, 10 requires illegal activity, right? 11 A. Yes. 12 Q. You would agree with me, wouldn't 13 you, that it is illegal to sell prescription 14 opioids to a person who has no prescription, 15 right? 16 A. Yes. 17 Q. And it is also illegal to smuggle 18 prescription opioids into a location like 19 Summit County without a license, right? 20 A. Yes. 21 Q. And, therefore, by the definitions 22 that you and I have been talking about, 23 licensed drug manufacturers, distributors, and 24 pharmacies that are lawfully doing business in 25 Summit County are not trafficking in</p>	<p style="text-align: right;">Page 216</p> <p>1 the largest proportion of your cases? 2 MR. LEDLIE: Object to the form of 3 the question. 4 A. Meth was high, but I think the 5 list -- the -- if I can recall correctly, coke 6 and marijuana took up a large amount of the 7 percentage of our cases. 8 Q. So coke, marijuana, and meth would 9 be those that you recall having been sort of 10 the largest proportion? 11 A. Yes. 12 Q. And what about fentanyl and other 13 synthetic opioids? Do you remember what 14 proportion they were? 15 A. No, I really can't recall. 16 Q. And do you recall the proportions 17 for prescription drugs in general? 18 A. No, not really. They were there, 19 but I don't remember the -- the percentages. 20 Q. Okay. And then further, for 21 prescription opioids, would you remember those 22 percentages? 23 A. No. We wouldn't have broken that 24 down. 25 Q. Among the various drugs that we've</p>
<p style="text-align: right;">Page 215</p> <p>1 prescription drugs as long as they are 2 operating under the terms of their lawful 3 license, right? 4 MR. LEDLIE: Object to the form of 5 the question. 6 A. As long as they're operating under 7 their -- within -- within the law, yes. 8 Q. During your tenure as commander, 9 what portion of the drug unit's efforts were 10 devoted to investigations and crimes involving 11 marijuana? 12 A. Are you -- you're asking me for a 13 percentage or -- 14 Q. A rough percentage. 15 A. I have no idea. Guys would go out 16 and get sources, and those sources would take 17 them wherever they take them, and if it was a 18 marijuana case, so be it. If it was a coke 19 case, so be it. If it was any other kind of 20 case, so be it. 21 Q. You have previously referred to and 22 written about -- about meth, right? 23 A. Yes. 24 Q. During your tenure from 2001 to 25 2012, would you say that meth was involved in</p>	<p style="text-align: right;">Page 217</p> <p>1 just identified, can you describe any trends 2 that occurred over your tenure? 3 A. Well, we saw -- early on, we saw 4 some LSD, and that went on for a short time, 5 and then it kind of disappeared. 6 Heroin was out there. It wasn't a 7 big thing, and then we saw that come into the 8 picture. 9 Marijuana, cocaine always remained 10 pretty steady. We obviously had a huge impact 11 here from methamphetamine. 12 As far as prescription drugs go, we 13 made cases. I don't know that we had a big ebb 14 or not. Like I say, we took everything as it 15 came in and ran with it, so I can't say for 16 certain how that ebbed and flowed. 17 Q. How many doctors did the drug unit 18 investigate for drug diversion during your 19 entire tenure? 20 A. Personally, I can remember two. If 21 there were some others, I'm not -- I can't 22 recall. 23 Q. How many pharmacists do you recall 24 having investigated for diversion during your 25 tenure?</p>

<p style="text-align: right;">Page 218</p> <p>1 A. I don't recall investigating any</p> <p>2 pharmacists.</p> <p>3 Q. Any pharmacy technicians?</p> <p>4 A. No. That would kind of stand out.</p> <p>5 I couldn't recall that either.</p> <p>6 Q. You mentioned nurses earlier. How</p> <p>7 many nurses?</p> <p>8 A. Oh, we used to get them from</p> <p>9 nursing homes all the time and some hospitals.</p> <p>10 I don't know. 20 or so, maybe. Best guess.</p> <p>11 Q. Any other health care professionals</p> <p>12 that I haven't identified?</p> <p>13 A. None that I can recall.</p> <p>14 Q. And during your time as commander,</p> <p>15 how many people do you remember having been</p> <p>16 convicted of crimes related to prescription</p> <p>17 pharmaceuticals?</p> <p>18 MR. LEDLIE: Object to the form of</p> <p>19 the question.</p> <p>20 A. Yeah, I couldn't give you a guess.</p> <p>21 I don't know.</p> <p>22 Q. And you said you recall two</p> <p>23 doctors, right?</p> <p>24 A. Uh-huh.</p> <p>25 Q. Yes?</p>	<p style="text-align: right;">Page 220</p> <p>1 were tasked primarily on cases involving</p> <p>2 prescription opioids?</p> <p>3 A. No one was specifically tasked.</p> <p>4 Q. Is it fair to say the drug unit</p> <p>5 never devoted a greater portion of its</p> <p>6 resources to opioids over other illicit drugs?</p> <p>7 A. No. I think it's fair to say that</p> <p>8 whenever a case came in, we ran with it and</p> <p>9 investigated it.</p> <p>10 Q. Okay. But the largest portions of</p> <p>11 the drugs that you were seeing were meth,</p> <p>12 cocaine, and marijuana, right?</p> <p>13 A. Those would have made up the larger</p> <p>14 part of our investigations, yes.</p> <p>15 Q. So they would have taken a larger</p> <p>16 amount of your resources as well?</p> <p>17 A. It would what?</p> <p>18 Q. Have taken a larger amount of your</p> <p>19 resources as well?</p> <p>20 A. Yes.</p> <p>21 Q. Earlier today we talked about the</p> <p>22 fact that you have read the complaint, right,</p> <p>23 in this case?</p> <p>24 A. Yes.</p> <p>25 Q. And did you look at the list of</p>
<p style="text-align: right;">Page 219</p> <p>1 A. Yes. I'm sorry.</p> <p>2 Q. And then maybe 20 nurses right?</p> <p>3 A. Correct.</p> <p>4 Q. So would the remainder, then, have</p> <p>5 been abusers?</p> <p>6 A. Yes.</p> <p>7 Q. And are we talking hundreds?</p> <p>8 MR. LEDLIE: Object to the form of</p> <p>9 the question.</p> <p>10 A. Well, again, I can't recall the</p> <p>11 numbers of people we arrested. I can't give</p> <p>12 you a solid answer.</p> <p>13 Q. And abusers of drugs are criminals,</p> <p>14 correct?</p> <p>15 MR. LEDLIE: Object to the form of</p> <p>16 the question.</p> <p>17 A. In a technical sense, yes.</p> <p>18 Q. You convicted them, right?</p> <p>19 MR. LEDLIE: Object to the form.</p> <p>20 A. Yes.</p> <p>21 Q. And individuals who use lawful</p> <p>22 prescription medication in an unlawful way are</p> <p>23 committing a crime, correct?</p> <p>24 A. Correct.</p> <p>25 Q. How many of your drug unit officers</p>	<p style="text-align: right;">Page 221</p> <p>1 Defendants?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall there were 19</p> <p>4 companies on that list?</p> <p>5 A. There was a pretty good list, yes.</p> <p>6 Q. And did -- did you recognize any of</p> <p>7 the names?</p> <p>8 A. Yes.</p> <p>9 Q. Did you recognize all of them?</p> <p>10 A. No. There were some that I think</p> <p>11 were kind of new.</p> <p>12 Q. And are you aware of any</p> <p>13 investigations by the sheriff's office or the</p> <p>14 drug unit into any of the Defendants in this</p> <p>15 case?</p> <p>16 A. No.</p> <p>17 Q. Prior to this case, did you ever</p> <p>18 contact any of the Defendants in this case to</p> <p>19 discuss the problems that Summit County was</p> <p>20 facing with opioids?</p> <p>21 A. No.</p> <p>22 Q. And prior to this case, did you</p> <p>23 ever contact any parent company of any of the</p> <p>24 Defendants to discuss the problems that Summit</p> <p>25 County was facing with opioids?</p>

<p style="text-align: right;">Page 222</p> <p>1 A. No.</p> <p>2 Q. Why didn't you ever contact them?</p> <p>3 A. Not my job. My job was to run the</p> <p>4 investigative unit.</p> <p>5 Q. And the investigative unit was</p> <p>6 specifically doing what?</p> <p>7 A. Investigating drug crimes.</p> <p>8 Q. And you never found it necessary to</p> <p>9 contact any of the Defendants, right?</p> <p>10 A. Correct.</p> <p>11 MR. LEDLIE: Objection.</p> <p>12 MS. RION: Objection. Asked and</p> <p>13 answered.</p> <p>14 Q. Looking back now, do you think it's</p> <p>15 possible that they could have helped if you had</p> <p>16 contacted them in 2005 when you wrote your</p> <p>17 report?</p> <p>18 MS. RION: Object- --</p> <p>19 MR. LEDLIE: Object to the form of</p> <p>20 the -- go ahead.</p> <p>21 MS. RION: Object to the form.</p> <p>22 A. Yeah, what could have happened in</p> <p>23 2005, I have no idea.</p> <p>24 Q. Well, you recall the report that we</p> <p>25 marked as -- I believe it's Exhibit 2. Might</p>	<p style="text-align: right;">Page 224</p> <p>1 MR. LEDLIE: Object to the form of</p> <p>2 the question.</p> <p>3 Q. Any evidence at all?</p> <p>4 A. No.</p> <p>5 - - - - -</p> <p>6 (Thereupon, Deposition Exhibit 5,</p> <p>7 Summit County and City of Akron,</p> <p>8 Ohio Plaintiff First Amended</p> <p>9 Responses and Objections To</p> <p>10 Distributor Defendants' First Set of</p> <p>11 Interrogatories, was marked for</p> <p>12 purposes of identification.)</p> <p>13 - - - - -</p> <p>14 Q. Captain Baker, you've just been</p> <p>15 handed what has been marked as Baker Exhibit 5,</p> <p>16 and my first question for you is just, have you</p> <p>17 ever seen this document before?</p> <p>18 A. No.</p> <p>19 Q. Okay. I can tell you that this is</p> <p>20 a document that has been given to us in this</p> <p>21 litigation answering some questions. It's a</p> <p>22 part of the legal process where we have the</p> <p>23 ability to ask questions, and your attorneys</p> <p>24 respond to them, and then the same occurs the</p> <p>25 other direction. Okay?</p>
<p style="text-align: right;">Page 223</p> <p>1 be 3.</p> <p>2 MR. LEDLIE: This one? Two.</p> <p>3 Q. Two. The addendum that you wrote.</p> <p>4 A. Okay.</p> <p>5 Q. The one that you are rightfully</p> <p>6 proud of, right?</p> <p>7 A. Yes.</p> <p>8 Q. Do you think now that if you had</p> <p>9 contacted any of the Defendants then that they</p> <p>10 could have helped you with the problems that</p> <p>11 you were identifying?</p> <p>12 MR. LEDLIE: Object to the form of</p> <p>13 the question.</p> <p>14 A. I have no idea what they could have</p> <p>15 done or would have done.</p> <p>16 Q. Because you didn't try, right?</p> <p>17 MR. LEDLIE: Object to the form.</p> <p>18 MS. RION: Objection.</p> <p>19 A. I did not try, no. I didn't call</p> <p>20 Mexico either when they were sending all the</p> <p>21 heroin up, so.</p> <p>22 Q. Well, I'll ask you again, sir, did</p> <p>23 you have any evidence or any reason to believe</p> <p>24 that any of the Defendants in this case were</p> <p>25 doing anything illegal?</p>	<p style="text-align: right;">Page 225</p> <p>1 Now, I'm going to ask you to turn</p> <p>2 to page -- well, it starts on page 5, the very</p> <p>3 bottom. And then I'm just going to ask you</p> <p>4 whether anyone asked you to look at the answer</p> <p>5 there.</p> <p>6 A. Okay.</p> <p>7 Q. So you see at the bottom,</p> <p>8 Interrogatory 2?</p> <p>9 A. Yes.</p> <p>10 Q. "Identify each pharmacy within your</p> <p>11 geographical boundaries that placed suspicious</p> <p>12 orders for prescription opioids for each year</p> <p>13 of the time frame."</p> <p>14 A. Okay.</p> <p>15 Q. And then there is a response that</p> <p>16 goes for several pages. The list, though,</p> <p>17 starts on page 8.</p> <p>18 Is this the first time you're</p> <p>19 seeing this?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So no one asked you to</p> <p>22 comment on this before it was sent to us?</p> <p>23 A. No.</p> <p>24 Q. Okay. Looking at the list that</p> <p>25 starts on the bottom of page 8 -- so -- well,</p>

<p style="text-align: right;">Page 226</p> <p>1 it says just before the list, "Despite 2 Defendants' obligations to monitor and report 3 suspicious orders, the ARCOS database 4 identifies these pharmacies as having 5 suspicious orders for opioids within Summit 6 County, Ohio." 7 Do you see that? 8 A. Yes. 9 Q. Do you recognize any of these 10 pharmacies in this list on page 8 -- pages 8 11 and 9? And there's two at the top of page 10. 12 A. Yes. 13 Q. And are you aware of any 14 investigations by the drug unit into any of the 15 people or companies on this list? 16 A. I am not. 17 Q. Any arrests either by you or by 18 Akron or anyone? 19 A. Not that I'm aware of. 20 Q. And I take it, then, no 21 prosecutions that you're aware of? 22 A. No. 23 Q. Okay. And then if you look at page 24 10, you see there's a table that starts on page 25 10 and goes through page 11 and part of page</p>	<p style="text-align: right;">Page 228</p> <p>1 prescription opioids within your geographical 2 boundaries during this time frame." 3 A. Okay. 4 Q. Do you see that? 5 A. Yes. 6 Q. And as a part of this answer, if 7 you turn to page 36, the first full paragraph 8 on that page identifies a couple of 9 individuals. It says, "An Akron area 10 physician, Adolph Harper, Jr., and three of his 11 employees, Adria Harper, Patricia Laughman and 12 Tequilla Berry." 13 A. Yes. 14 Q. Do you recognize those names? 15 A. Harper I do. That would be the 16 doctor that I was trying to remember. 17 Q. So that's the doctor you referred 18 to earlier who was operating the pill mill? 19 A. Yes. 20 Q. Okay. We found him. 21 And -- and these individuals, did 22 you have any knowledge of investigations of 23 them? The others besides him? 24 A. Those names don't sound familiar, 25 no.</p>
<p style="text-align: right;">Page 227</p> <p>1 12? 2 A. Yes. 3 Q. And it says, just above that, 4 "Further, Plaintiff identifies these pharmacies 5 as having the largest shipments of opioids." 6 Do you see that? 7 A. Yes. 8 Q. And do you know any of these 9 pharmacies or -- 10 A. Yes. 11 Q. -- doctors? Pharmacies. You do. 12 A. (Witness nodding head.) 13 Q. Are you aware of any investigations 14 by the drug unit into any of the pharmacies on 15 this list? 16 A. I am not. 17 Q. Or by anyone? Investigations by 18 anyone? 19 MR. LEDLIE: Object to the form. 20 A. I am not aware of anyone, no. 21 Q. Have you turn to page 34. You see 22 Interrogatory 8. And you see it says, 23 "Identify all persons who wrongfully 24 manufactured, sold, possessed, used, 25 distributed, prescribed, or dispensed</p>	<p style="text-align: right;">Page 229</p> <p>1 Q. Okay. And you see a little bit 2 further in that paragraph, it says, "In 3 December 2014, a former Copley Township family 4 medicine doctor named Brian Heim pled guilty to 5 conspiracy to distribute controlled substances 6 and 20 counts of distribution of controlled 7 substances." 8 A. Yes. 9 Q. Do you recognize that name? 10 A. No. 11 Q. So you don't know anything about 12 that investigation? 13 A. I do not. 14 Q. Do you believe that there were more 15 cases of drug diversion in Summit County than 16 just those cited in this paragraph? 17 A. Oh, I'm sure there were. 18 Q. Have they all been investigated and 19 prosecuted? 20 A. Every case of drug diversion? No. 21 Q. Where would we find the names of 22 those that you suspected but didn't prosecute? 23 MR. LEDLIE: Object to the form of 24 the question. 25 A. If we had a case, then we would --</p>

<p style="text-align: right;">Page 230</p> <p>1 we would have gone through it completely. To</p> <p>2 suspect and not prosecute, I -- I don't have</p> <p>3 that information. I don't have those names.</p> <p>4 Q. Did you have case files on</p> <p>5 individuals that you considered to be subjects,</p> <p>6 you did some investigation, but you weren't</p> <p>7 able to bring a case?</p> <p>8 A. I don't recall having anybody under</p> <p>9 suspicion that we didn't completely</p> <p>10 investigate. I'm not sure I can answer your</p> <p>11 question.</p> <p>12 Q. Okay. And just to round out my</p> <p>13 previous questions about this, that paragraph</p> <p>14 that we were just looking at on page 36, no one</p> <p>15 asked you to review that before it was sent to</p> <p>16 us, right?</p> <p>17 A. No.</p> <p>18 Q. Okay. You can put that one aside.</p> <p>19 We've talked a lot about what kinds</p> <p>20 of cases your unit investigated and kind of</p> <p>21 trends that you saw. I'd like to ask you some</p> <p>22 specif- -- some specifics about how you went</p> <p>23 about investigating drug crimes.</p> <p>24 Did the drug unit have policies or</p> <p>25 standard procedures governing when to begin an</p>	<p style="text-align: right;">Page 232</p> <p>1 we get some intelligence, we might go out and</p> <p>2 set up some surveillances.</p> <p>3 Q. When you say you got some</p> <p>4 intelligence, how did you get that</p> <p>5 intelligence?</p> <p>6 A. We might get it through a phone</p> <p>7 call. We might get it through another</p> <p>8 government agency. There are a lot of</p> <p>9 different ways intelligence comes in.</p> <p>10 Q. Okay. So intelligence, a patrol</p> <p>11 stop with a potential cooperator. Anything</p> <p>12 else?</p> <p>13 A. Pretty much it.</p> <p>14 Q. And these -- the intelligence that</p> <p>15 you were referring to, you said sometimes that</p> <p>16 came from other government agencies?</p> <p>17 A. Yes.</p> <p>18 Q. How often did that happen?</p> <p>19 A. Fairly often. We -- we got a lot</p> <p>20 of intelligence from EPIC. In fact, we got in</p> <p>21 a -- involved in a pretty good cocaine case as</p> <p>22 a result of that.</p> <p>23 We would get intelligence from guys</p> <p>24 from the post office. We'd get intelligence</p> <p>25 from DEA, from, you know, from their various</p>
<p style="text-align: right;">Page 231</p> <p>1 investigation?</p> <p>2 A. No.</p> <p>3 Q. So how did you begin your</p> <p>4 investigations?</p> <p>5 A. Usually with intelligence or some</p> <p>6 information that would come in. Patrol could</p> <p>7 have stopped somebody that had drugs, and they</p> <p>8 were very interested in helping themselves</p> <p>9 along and we got sources from that.</p> <p>10 Q. You say "they were very interested</p> <p>11 in helping themselves along." You mean the</p> <p>12 people who were stopped?</p> <p>13 A. Yes.</p> <p>14 Q. So they were interested in helping</p> <p>15 themselves by providing information to the</p> <p>16 police?</p> <p>17 A. And assistance, yes.</p> <p>18 Q. And in that way they were hoping</p> <p>19 for lighter sentences?</p> <p>20 MR. LEDLIE: Object to the form.</p> <p>21 A. They would hope for that.</p> <p>22 Q. Okay. So I stopped you in the</p> <p>23 middle. How else would you start</p> <p>24 investigations?</p> <p>25 A. Usually pretty much that, or when</p>	<p style="text-align: right;">Page 233</p> <p>1 branches. The airport stuff.</p> <p>2 Q. When you say the post office, you</p> <p>3 mean the postal inspectors?</p> <p>4 A. Postal inspectors, sometimes the</p> <p>5 postal carriers.</p> <p>6 Q. Oh.</p> <p>7 A. They see a lot.</p> <p>8 Q. And they would contact you</p> <p>9 directly?</p> <p>10 A. They would usually call the</p> <p>11 detective bureau, yeah, and then that would get</p> <p>12 filtered to us.</p> <p>13 Q. When you say the bureau, you mean</p> <p>14 FBI?</p> <p>15 A. Like the local detective bureau.</p> <p>16 Q. Oh, the detective bureau.</p> <p>17 A. Maybe Akron's detective bureau --</p> <p>18 Q. Got it.</p> <p>19 A. -- or -- yes.</p> <p>20 Q. Okay. And how did you decide who</p> <p>21 was responsible for investigating a case when</p> <p>22 it came in?</p> <p>23 A. Usually the call would come in, and</p> <p>24 if there was somebody who wasn't totally busy</p> <p>25 at the time, handle that, or if it wasn't in</p>

<p style="text-align: right;">Page 234</p> <p>1 somebody's wheelhouse, we'd give it to them.</p> <p>2 Q. What kind of wheelhouses did people</p> <p>3 have?</p> <p>4 A. For example, I had a detective who</p> <p>5 was a -- a very good meth investigator, so if</p> <p>6 we got a call about meth, it went to that</p> <p>7 detective.</p> <p>8 Q. Anybody else come to mind as a sort</p> <p>9 of specialist in that way?</p> <p>10 A. When we got stuff for</p> <p>11 pharmaceuticals, usually Carmen was the go-to</p> <p>12 person there.</p> <p>13 Q. And why was Carmen the go-to person</p> <p>14 for pharmaceuticals?</p> <p>15 A. Previously she had -- before I got</p> <p>16 there, had worked a lot of pharmaceutical</p> <p>17 cases, apparently, and she was the connect with</p> <p>18 the department of pharmacy.</p> <p>19 Q. And any other specialties?</p> <p>20 A. Everything else was kind of</p> <p>21 geographical then. You know, if information</p> <p>22 was coming from Barberton, we'd probably get</p> <p>23 the Barberton guy involved, or Cuyahoga Falls</p> <p>24 or wherever.</p> <p>25 Q. How did you monitor the progress of</p>	<p style="text-align: right;">Page 236</p> <p>1 Q. And at some point an investigation</p> <p>2 turns in to an arrest, right?</p> <p>3 A. Yes.</p> <p>4 Q. How did you make that</p> <p>5 determination?</p> <p>6 A. That was usually done by the case</p> <p>7 officer.</p> <p>8 Q. Did -- did they have to clear it</p> <p>9 with you before they made that decision?</p> <p>10 A. They would let me know what we're</p> <p>11 going to do and hopefully what the arrest would</p> <p>12 turn into.</p> <p>13 Q. Did you ever turn them down?</p> <p>14 A. To make an arrest --</p> <p>15 Q. Yes.</p> <p>16 A. -- in their case? No.</p> <p>17 Q. And was there any kind of approval</p> <p>18 chain through the prosecutor's office that you</p> <p>19 had to go to before making an arrest?</p> <p>20 A. In the case of our federal cases,</p> <p>21 we obviously were working with an AUSA, so</p> <p>22 there was a lot of determination there from</p> <p>23 them.</p> <p>24 The local ones, not really.</p> <p>25 Q. So with the local ones you'd make</p>
<p style="text-align: right;">Page 235</p> <p>1 an investigation?</p> <p>2 MR. LEDLIE: Object --</p> <p>3 Q. -- you as the commander.</p> <p>4 MR. LEDLIE: Object to the form of</p> <p>5 the question.</p> <p>6 A. Just check every day, see what's</p> <p>7 going on, whether we needed to go out and</p> <p>8 make -- if we were out making buys, if we were</p> <p>9 doing surveillance, you know, how our manpower</p> <p>10 was allotted.</p> <p>11 Q. So you checked in with your team</p> <p>12 daily?</p> <p>13 A. Every day.</p> <p>14 Q. Did you have a standard morning</p> <p>15 meeting, or how did you check in with them?</p> <p>16 A. We had some morning meetings.</p> <p>17 Not -- not necessarily every day. All depended</p> <p>18 on what was going on, how things were moving</p> <p>19 along.</p> <p>20 But, yeah, just kind of seeing</p> <p>21 where they were, whether or not we needed --</p> <p>22 see how many buys we were going to schedule</p> <p>23 that day. How many surveillances we might need</p> <p>24 to do that day, and how to divide the day up.</p> <p>25 Kind of give you an idea how things were going.</p>	<p style="text-align: right;">Page 237</p> <p>1 the arrest and then bring the case to them?</p> <p>2 A. Yes.</p> <p>3 Q. But with the AUSAs, typically you</p> <p>4 were working with them to decide when an arrest</p> <p>5 was appropriate?</p> <p>6 MR. LEDLIE: Objection to form.</p> <p>7 A. Yeah, the -- the agent -- the case</p> <p>8 agents would be, yes.</p> <p>9 Q. The case agents. Fair enough.</p> <p>10 Did you have any sort of standard</p> <p>11 tracking document for your cases?</p> <p>12 A. As far as?</p> <p>13 Q. I'm looking for any records that we</p> <p>14 might be able to see the kinds of cases that</p> <p>15 you had?</p> <p>16 A. No. They went in a case file.</p> <p>17 Q. Did you share information with the</p> <p>18 City of Akron?</p> <p>19 A. I would share intelligence back and</p> <p>20 forth.</p> <p>21 Q. Was that verbal or written or both?</p> <p>22 A. Mostly verbal.</p> <p>23 Q. Were there any formal written</p> <p>24 reports of any sort?</p> <p>25 A. Probably the -- the -- the reports</p>

<p style="text-align: right;">Page 238</p> <p>1 that we would provide to HIDTA?</p> <p>2 Q. To HIDTA?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Okay. So those would also go to</p> <p>5 the City of Akron?</p> <p>6 A. Yeah. We were combi- -- we</p> <p>7 combined to form the HIDTA group.</p> <p>8 Q. Are you familiar with the term</p> <p>9 "suspicious order report"?</p> <p>10 A. Yes.</p> <p>11 Q. How are you familiar with it?</p> <p>12 A. From reading the case.</p> <p>13 Q. From reading the complaint?</p> <p>14 A. The complaint, yes.</p> <p>15 Q. Had you heard that term before you</p> <p>16 read the complaint?</p> <p>17 A. I may have.</p> <p>18 Q. Was it something that you were</p> <p>19 familiar with while you were working drug cases</p> <p>20 in Summit County?</p> <p>21 A. I don't know that that would have</p> <p>22 crossed my mind, no.</p> <p>23 Q. Are you now aware that distributors</p> <p>24 are required to file suspicious order reports</p> <p>25 with the Board of Pharmacy and the DEA?</p>	<p style="text-align: right;">Page 240</p> <p>1 it would be or not, I can't say.</p> <p>2 MR. LEDLIE: Can we follow your</p> <p>3 protocol and break at the hour? Because we've</p> <p>4 been going an hour.</p> <p>5 MS. SAULINO: Your clock gets</p> <p>6 faster and faster, my friend, but we can take a</p> <p>7 break.</p> <p>8 MR. LEDLIE: I wrote it down.</p> <p>9 THE VIDEOGRAPHER: Off the record,</p> <p>10 2:53.</p> <p>11 (A recess was taken.)</p> <p>12 THE VIDEOGRAPHER: On the record</p> <p>13 3:13.</p> <p>14 - - - - -</p> <p>15 (Thereupon, Deposition Exhibit 6,</p> <p>16 12/15/2010 E-Mail Chain Re: HIDTA</p> <p>17 Information Sharing Conference Call,</p> <p>18 SUMMIT_000076601 to 000076602, was</p> <p>19 marked for purposes of</p> <p>20 identification.)</p> <p>21 - - - - -</p> <p>22 BY MS. SAULINO:</p> <p>23 Q. Captain Baker, you have just been</p> <p>24 handed what has been marked as Baker Exhibit 6.</p> <p>25 This is an e-mail from December 15, 2010, from</p>
<p style="text-align: right;">Page 239</p> <p>1 A. Yes.</p> <p>2 Q. And have you ever seen those</p> <p>3 reports?</p> <p>4 A. I have not.</p> <p>5 Q. And so have you ever used them to</p> <p>6 develop investigations or prosecutions?</p> <p>7 A. No.</p> <p>8 MR. LEDLIE: Object to the form of</p> <p>9 the question.</p> <p>10 Q. Did the DEA or board of pharmacy</p> <p>11 ever share them with you?</p> <p>12 A. No.</p> <p>13 Q. Any of your officers, to your</p> <p>14 knowledge?</p> <p>15 A. To my knowledge, no.</p> <p>16 Q. Did you ever ask to see them?</p> <p>17 A. I didn't know they existed.</p> <p>18 Q. Now that you do, do you think they</p> <p>19 would have been helpful in combatting</p> <p>20 prescription drug diversion?</p> <p>21 MR. LEDLIE: Object to the form of</p> <p>22 the question.</p> <p>23 A. I don't know. It could have</p> <p>24 possibly been something we could have used in</p> <p>25 an investigation, but to say directly whether</p>	<p style="text-align: right;">Page 241</p> <p>1 Commander John Burke to a group of people,</p> <p>2 including you. Your name is on the second line</p> <p>3 in the "to's" there.</p> <p>4 A. Uh-huh.</p> <p>5 Q. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Who is Commander John Burke?</p> <p>8 A. He was head of one of the task</p> <p>9 forces in Southern Ohio.</p> <p>10 Q. Okay. So is this a -- one of your</p> <p>11 fellow commanders in the -- name of the --</p> <p>12 A. OTFCA.</p> <p>13 Q. OTFCA, yes.</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And are these -- are all</p> <p>16 these folks on the "to" line in OTFCA?</p> <p>17 A. No.</p> <p>18 Q. Okay. Do you know what this group</p> <p>19 is? Is it --</p> <p>20 A. This is from the Ohio HIDTA.</p> <p>21 Q. Ohio HIDTA, okay. Got it.</p> <p>22 And so I guess, then, it follows</p> <p>23 that the subject says, "HIDTA information</p> <p>24 sharing conference call," that this is the</p> <p>25 group that would have been involved in such a</p>

<p style="text-align: right;">Page 242</p> <p>1 call?</p> <p>2 A. Some of these are people who are</p> <p>3 with the HIDTA. The majority of these people</p> <p>4 are task force commanders or -- or in some way</p> <p>5 connected to one of the task forces.</p> <p>6 Q. I see. So this is a -- sort of a</p> <p>7 an amalgamation of a couple of groups?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And Commander Burke is</p> <p>10 forwarding an e-mail from below that appears to</p> <p>11 address the HIDTA information-sharing</p> <p>12 conference call. Is that -- is that -- was</p> <p>13 that a regular thing that you would participate</p> <p>14 in?</p> <p>15 A. A conference call?</p> <p>16 Q. A HIDTA information-sharing</p> <p>17 conference call?</p> <p>18 MR. LEDLIE: Object to form.</p> <p>19 A. Me personally, no.</p> <p>20 Q. Someone from your unit?</p> <p>21 A. Unless one of the Akron guys went</p> <p>22 there, I don't know, that was involved in it.</p> <p>23 Q. Okay. And this forward, which</p> <p>24 makes its way to you, is of some information</p> <p>25 about a Florida legis- -- a Florida law. And</p>	<p style="text-align: right;">Page 244</p> <p>1 Florida HIDTA requests that the doctor's</p> <p>2 information on the pill bottles be sent," and</p> <p>3 then they provide a name and e-mail address.</p> <p>4 "If they start to see a pattern or gain enough</p> <p>5 complaints about a specific doctor, they will</p> <p>6 likely open a case on that specific pain</p> <p>7 clinic."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And then that is the paragraph that</p> <p>11 is referred to in the forward to you by John</p> <p>12 Burke on the front page where he says, "Note</p> <p>13 especially the paragraph that asks for traffic</p> <p>14 stops in Ohio to be reported to the HIDTA in</p> <p>15 Florida."</p> <p>16 Is that something that you would</p> <p>17 do?</p> <p>18 A. Share intelligence?</p> <p>19 Q. With Florida?</p> <p>20 A. Sure.</p> <p>21 Q. Do you recall having worked with</p> <p>22 Florida?</p> <p>23 A. No. I worked a cocaine case that</p> <p>24 we worked in connection with a local</p> <p>25 jurisdiction in Florida.</p>
<p style="text-align: right;">Page 243</p> <p>1 it says here, "Starting October 1, 2010,</p> <p>2 Florida passed a new legislation preventing</p> <p>3 pain clinics to prescribe and dispense more</p> <p>4 than a 72-hour supply of painkillers.</p> <p>5 Offenders and pain clinics are getting around</p> <p>6 this legislation by referring customers to a</p> <p>7 friendly pharmacy instead of dispensing the</p> <p>8 pills from their location."</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Were you familiar with the concept</p> <p>12 of a friendly pharmacy? I guess, is that</p> <p>13 something that you saw in Summit County is</p> <p>14 what --</p> <p>15 A. If I got this, then obviously --</p> <p>16 Q. Yeah. I'm not asking you about</p> <p>17 what they're talking about here in Florida.</p> <p>18 I'm more asking about whether that's something</p> <p>19 you saw in Summit County.</p> <p>20 A. Personally, I can't say.</p> <p>21 Q. And then if you turn the page to --</p> <p>22 to the top of the next page, that paragraph at</p> <p>23 the very top of the next page says, "If a</p> <p>24 patrol car stops a vehicle in Ohio and they</p> <p>25 find pills that originated in Florida, North</p>	<p style="text-align: right;">Page 245</p> <p>1 Q. But you didn't regularly work with</p> <p>2 the Florida HIDTA or any other drug</p> <p>3 organizations in Florida?</p> <p>4 A. No. Unless they gleaned</p> <p>5 intelligence that we gave -- that we gave to</p> <p>6 the HIDTA.</p> <p>7 Q. And would it have been something</p> <p>8 that you remember seeing, to see a -- a traffic</p> <p>9 stop in Ohio where you were seeing pills from</p> <p>10 Florida?</p> <p>11 A. I think I heard about them. We</p> <p>12 didn't see any.</p> <p>13 Q. But you do remember hearing about</p> <p>14 them?</p> <p>15 A. I believe so, yes.</p> <p>16 Q. You can put that one aside.</p> <p>17 - - - - -</p> <p>18 (Thereupon, Deposition Exhibit 7,</p> <p>19 Summit County Drug Unit Confidential</p> <p>20 Investigative Report, Case No.</p> <p>21 DU-0517, SUMMIT_001839815 to</p> <p>22 001839819, was marked for purposes</p> <p>23 of identification.)</p> <p>24 - - - - -</p> <p>25 Q. Captain Baker, you have just been</p>

<p style="text-align: right;">Page 246</p> <p>1 handed what has been marked as Baker Exhibit 7.</p> <p>2 A. Uh-huh.</p> <p>3 Q. What kind of a document is this?</p> <p>4 A. It's an incident report.</p> <p>5 Q. An incident report?</p> <p>6 A. Well, a confidential investigative</p> <p>7 report, I mean, yeah.</p> <p>8 Q. And what is a confidential</p> <p>9 investigation report? Or investigative report?</p> <p>10 A. This is a -- a report that an</p> <p>11 investigator would write as to whatever they</p> <p>12 happened to do in a particular case and a</p> <p>13 particular incident.</p> <p>14 If it was a long case, there could</p> <p>15 be a big, long stack of these, because every</p> <p>16 time they -- they do something particular to a</p> <p>17 case, they write a report about it.</p> <p>18 Q. Okay. And this is -- this is where</p> <p>19 I was going with this. So -- so this report</p> <p>20 would not be the complete case file. This is</p> <p>21 one of the reports that would be in a case</p> <p>22 file?</p> <p>23 A. Yes.</p> <p>24 Q. And just to make sure I understand</p> <p>25 what you just said, if it was a long case,</p>	<p style="text-align: right;">Page 248</p> <p>1 report of Detective Marker- -- Barker's meeting</p> <p>2 with a source, and then the source arranging to</p> <p>3 meet with the subject, and then the subject</p> <p>4 selling controlled substances to the source,</p> <p>5 and then an arrest; is that right?</p> <p>6 A. Okay. Without having totally read</p> <p>7 it, that's what it appears to be.</p> <p>8 Q. Okay. It says "Arrests" there on</p> <p>9 the first page. That's where I'm getting</p> <p>10 arrest from. Is that right? Under "Date</p> <p>11 Investigated," just at the very top there.</p> <p>12 "Arrests: Jeanne A. Kennedy."</p> <p>13 A. Yes.</p> <p>14 Q. Does that mean an arrest happened?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So this seems to be a report</p> <p>17 about a number of things that happened in this</p> <p>18 case; am I right about that?</p> <p>19 A. I'm not sure what you mean by "a</p> <p>20 lot of things."</p> <p>21 Q. I'm really just trying to get an</p> <p>22 understanding of when these reports are written</p> <p>23 and -- and how they're parceled out, you know,</p> <p>24 what goes into a report, what then gets to --</p> <p>25 goes into the next report rather than being a</p>
<p style="text-align: right;">Page 247</p> <p>1 you'd see a stack of these types of reports?</p> <p>2 A. Right.</p> <p>3 Q. Okay. And was there -- what were</p> <p>4 the parameters for needing to write up</p> <p>5 something in this form?</p> <p>6 A. Basically for anything you did</p> <p>7 during a case.</p> <p>8 Q. So I see that this is a report from</p> <p>9 a Susan M. Barker to you --</p> <p>10 A. Yes.</p> <p>11 Q. -- and Sergeant Johnson?</p> <p>12 A. Yes.</p> <p>13 Q. Who is Susan Barker?</p> <p>14 A. One of the detectives in the drug</p> <p>15 unit.</p> <p>16 Q. And Sergeant Johns- -- Johnston?</p> <p>17 A. He's a sergeant with the drug unit.</p> <p>18 Q. And these folks worked for you,</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. And this was pretty early in the</p> <p>22 tenure of the revamped drug unit that you were</p> <p>23 the commander of, right?</p> <p>24 A. Yes.</p> <p>25 Q. And this appears to have been a</p>	<p style="text-align: right;">Page 249</p> <p>1 part of this report. Does that --</p> <p>2 A. Yeah. This -- and -- and this one,</p> <p>3 for example, this may be the only thing, other</p> <p>4 than evidence reports, because this person was</p> <p>5 arrested.</p> <p>6 Q. Okay. So it all happened on the</p> <p>7 same day and it all goes in the same report?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Thank you.</p> <p>10 So it may be that there are case</p> <p>11 files that just have one of these?</p> <p>12 A. Yes.</p> <p>13 Q. And then you say you might also</p> <p>14 find evidence reports as in, like, things that</p> <p>15 were seized and such?</p> <p>16 A. Yes.</p> <p>17 Q. Like the evidence that's listed on</p> <p>18 the last page?</p> <p>19 A. On the last page, yes.</p> <p>20 Q. Yep. Okay. So you'd expect to see</p> <p>21 those reports in the case file as well?</p> <p>22 A. Yeah.</p> <p>23 Q. And you see that this is a</p> <p>24 confidential source making a controlled</p> <p>25 narcotics purchase of oxy, right?</p>

<p style="text-align: right;">Page 250</p> <p>1 A. Yes.</p> <p>2 Q. And so it's fair to say that at</p> <p>3 least as of March of 2002 your officers were</p> <p>4 working opioid cases, correct?</p> <p>5 A. In this particular case, yes.</p> <p>6 Q. And -- and this is a case where --</p> <p>7 would you say that Ms. Kennedy was trafficking</p> <p>8 OxyContin?</p> <p>9 A. Yes.</p> <p>10 Q. Now, you see that on page 4 of 5,</p> <p>11 if you look at the page numbers at the top, you</p> <p>12 see under Paragraph 15, Detective Barker</p> <p>13 recounts an interview of Jeanne Kennedy?</p> <p>14 A. Okay.</p> <p>15 Q. Am I right in -- in reading that,</p> <p>16 that that's recounting an interview with Jeanne</p> <p>17 Kennedy?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And it says, third sentence</p> <p>20 in, "Jeanne stated she had a valid prescription</p> <p>21 for the OxyContin and the Adipex. She stated</p> <p>22 she would sell half of the OxyContin script</p> <p>23 amount, approximately 65 pills each month,"</p> <p>24 right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 252</p> <p>1 offered the ability to help herself out.</p> <p>2 Whether she did or not, I don't know.</p> <p>3 Q. And can you --</p> <p>4 A. From this I can't glean that.</p> <p>5 Q. Can you explain to me how you know</p> <p>6 that?</p> <p>7 A. If you look at No. 17 --</p> <p>8 Q. Uh-huh.</p> <p>9 A. -- it says that, "It was determined</p> <p>10 that due to Jeanne's cooperation and her lack</p> <p>11 of any criminal history, she would be released</p> <p>12 back and allowed to return on March 7 for</p> <p>13 processing."</p> <p>14 So they're giving her a chance to</p> <p>15 kind of think about, hey, you want to help</p> <p>16 yourself out, we'll go after this other guy.</p> <p>17 Whether that occurred or not, I don't know.</p> <p>18 From here it doesn't tell me that.</p> <p>19 Q. So there's no way to know from a</p> <p>20 report like this?</p> <p>21 A. Correct.</p> <p>22 Q. Would you expect to see a further</p> <p>23 report in the case file one way or the other</p> <p>24 about what she decided?</p> <p>25 A. Not necessarily.</p>
<p style="text-align: right;">Page 251</p> <p>1 Q. That's illegal, right?</p> <p>2 A. It is illegal.</p> <p>3 Q. And then if you look further down</p> <p>4 in this paragraph summary, you see it says,</p> <p>5 "Jeanne stated when she ran out of pills and</p> <p>6 was unable to get a refill, she would purchase</p> <p>7 the pills from several people she knew. She</p> <p>8 stated she had purchased 50 40mg OxyContin on</p> <p>9 March 5th, 2002, from a B/M" -- what is that?</p> <p>10 A. It's "black male."</p> <p>11 Q. -- "she knew for \$11 per pill</p> <p>12 during her lunch break," right?</p> <p>13 A. Right.</p> <p>14 Q. That is illegal as well, right?</p> <p>15 A. That is illegal, on both ends.</p> <p>16 Q. She -- "Jeanne stated she has sold</p> <p>17 OxyContin to the source several times. She</p> <p>18 also stated she has sold OxyContin to other</p> <p>19 people," right?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know whether the drug unit</p> <p>22 investigated this lead into this unidentified</p> <p>23 black male from whom she purchased Oxy on her</p> <p>24 lunch break?</p> <p>25 A. Let me see. It looks like she was</p>	<p style="text-align: right;">Page 253</p> <p>1 Q. Okay. Is there any way that we</p> <p>2 could figure that out?</p> <p>3 A. Talk to Jeanne. I don't know.</p> <p>4 Q. Is this the format that you recall</p> <p>5 having the investigative reports having been in</p> <p>6 during your tenure as the commander of the drug</p> <p>7 unit?</p> <p>8 A. Yeah, pretty much. I mean, at some</p> <p>9 point there may not have been the little</p> <p>10 picture thing on here, but generally they</p> <p>11 followed this format.</p> <p>12 Q. And were -- were there any sort of</p> <p>13 policies or standards about what information</p> <p>14 was allowed to be put in here?</p> <p>15 A. Anything that was relative to the</p> <p>16 case and relative to what they did.</p> <p>17 Q. And would you as the commander of</p> <p>18 the unit rely on these reports if you were</p> <p>19 reviewing the files?</p> <p>20 A. Yes.</p> <p>21 Q. You would expect the information in</p> <p>22 them to have been accurate to the best of the</p> <p>23 writer's knowledge at the time?</p> <p>24 A. Yes.</p> <p>25 Q. Now, we have seen some similar</p>

<p style="text-align: right;">Page 254</p> <p>1 reports from prior years. I'll show you an 2 example. 3 MR. LEDLIE: Are we done with this 4 one for now? 5 MS. SAULINO: Yes. 6 - - - - - 7 (Thereupon, Deposition Exhibit 8, 8 Summit County CENTAC Confidential 9 Investigation Report, Case No. 10 CT-0114, SUMMIT_001977600 to 11 001977604, was marked for purposes 12 of identification.) 13 - - - - - 14 Q. So now you have been handed, 15 Captain Baker, Baker Exhibit 8. This is a 16 report that we found in those that were 17 provided to us from October of 1997. 18 Am I right, based on our previous 19 conversation, that that is when you were not a 20 part of the drug unit? 21 A. Right. 22 Q. And did you ever, as a -- as the 23 commander of the drug unit, beginning again in 24 2001, have reason to look back at reports from 25 the time that you were not there?</p>	<p style="text-align: right;">Page 256</p> <p>1 page. 2 A. Uh-huh. 3 Q. If we see that, does that mean that 4 the -- at least as of the time of the report 5 that we're looking at, the person was not 6 arrested? 7 A. Correct. 8 Q. Okay. And that was typical -- 9 A. Probably an ongoing case. 10 Q. Okay. And that was typical if you 11 had an investigation going on but weren't ready 12 to arrest the person yet? 13 A. Right, yes. At least how this 14 officer wrote it. 15 Q. Do you happen to remember this 16 defendant, Richard Reitz? 17 A. No. 18 Q. Okay. You can put that one aside. 19 Are there any particular officers' 20 reports from that period of time while you were 21 not in the unit whose reports you would not 22 trust? 23 A. No. I don't think anybody would 24 have put that down on paper that wasn't 25 information that wasn't true.</p>
<p style="text-align: right;">Page 255</p> <p>1 A. No. Not unless a -- not unless we 2 were making a case on somebody who was already 3 a defendant prior. We may have utilized this 4 as information. 5 Q. Okay. Well, that's -- and that's 6 fair enough. In that event, if you were -- if 7 you needed to look back at those reports from 8 the time that you were not there, would you 9 have similarly expected that the information 10 that is recorded in them was recorded 11 accurately, to the best of the writer's ability 12 at the time? 13 MR. LEDLIE: Object to the form. 14 A. I would hope it would have been. 15 Q. That was the standard that you 16 under- -- expected the officers to work under? 17 A. Yes. 18 Q. And these were standard business 19 documents that were created in the course of 20 business of the drug unit? 21 A. They're standard confidential 22 investigation reports, yes. 23 Q. Okay. And here, just to round out 24 something we were talking about a moment ago, 25 this one says "arrest pending" on the front</p>	<p style="text-align: right;">Page 257</p> <p>1 Q. May I ask what caused you to 2 hesitate? 3 A. I was just trying to think back. A 4 lot of years to go back. 5 Q. You and I have talked a couple of 6 times today about the concept of doctor 7 shopping. And that -- just so that you and I 8 are talking about the same, would you agree 9 with me that that refers to when a patient gets 10 many prescriptions from many doctors or 11 continues to visit doctors until he or she 12 finds a doctor who will prescribe to them? 13 A. Yes. 14 Q. Did the drug unit investigate any 15 instances of doctor shopping while you were the 16 commander? 17 A. Oh, I'm sure they did. 18 Q. Do you recall any names? 19 A. I don't recall any specifics. 20 Q. And do you recall how many, 21 approximately? 22 A. No, no idea. 23 Q. Do you know whether there were any 24 prosecutions? 25 A. If there was an arrest, there was a</p>

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1 prosecution.
2 Q. And a conviction?
3 A. Yeah. We had a pretty good rate.
4 Q. What was your rate?
5 A. 99.1 percent.
6 Q. That is a pretty good rate.
7 A. 99.9 or whatever. Yeah. One guy.
8 One guy.
9 Q. What kind of -- what kind of case
10 was the one guy?
11 A. The one we went to court over and
12 were sued about.
13 Q. The one we discussed at the very
14 beginning?
15 A. That would be the case.
16 Q. Okay. Now, we've talked about
17 prescription fraud, right? Or prescription
18 forgery?
19 A. Yes.
20 Q. And that's where a person either
21 physically forges a prescription or uses the
22 same prescription at multiple pharmacies; is
23 that right?
24 A. That would be someone who either
25 forges a prescription or alters one to change

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1 the amount.
2 Q. And did the drug unit investigate
3 any cases of pres- -- of suspected prescription
4 fraud --
5 A. Yes.
6 Q. -- or forgery?
7 A. Yes.
8 Q. Do you remember about how many?
9 A. No.
10 Q. Do you remember any particular
11 ones?
12 A. The only one I can remember, no, it
13 wasn't at the drug unit at the time. It was a
14 guy from Kent State who was writing scripts off
15 of a doctor from Nigeria for Ritalin.
16 Q. And Ritalin is what kind of drug?
17 A. It's a Schedule II stimulant.
18 Q. It's an ADHD drug, right? It's for
19 ADHD?
20 A. Yes.
21 Q. Lawfully?
22 A. (Witness nodding head.)
23 - - - - -
24 (Thereupon, Deposition Exhibit 9,
25 Summit County Drug Unit Confidential

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1 Investigative Report, Case No.
2 DU-0791, SUMMIT_001843287 to
3 001843291, was marked for purposes
4 of identification.)
5 - - - - -
6 Q. Captain Baker, you have been handed
7 what has been marked as Baker Exhibit 9. This
8 is another confidential investigative report.
9 This one from May of 2003. And the arrest is
10 of a Karen L. Dawson, LPN.
11 A. Uh-huh.
12 Q. So she's a nurse, right?
13 A. Yes.
14 Q. Do you remember this one?
15 A. Not really.
16 Q. And this refers to Detective Carmen
17 Ingram. You referred to her earlier, right?
18 A. Correct.
19 Q. She's the one who -- she's the one
20 of your officers who typically was assigned the
21 opioid cases?
22 A. Pharmaceutical cases.
23 Q. The pharmaceutical cases. Got it.
24 Okay.
25 And it -- it says here in the

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1 synopsis that Detective Ingram received a
2 telephone call from a Kimberly Hodgkiss at
3 Hartville Family Physicians?
4 A. Yes.
5 Q. And that the -- and Kimberly
6 Hodgkiss stated that Melinda Shadowitz, M.D.,
7 had provided Karen L. Dawson with Vico- --
8 Vicodin and Ritalin prescriptions, and then
9 had -- she learned that Karen Dawson had just
10 received the same prescriptions from another
11 doctor, right?
12 A. Yes.
13 Q. And then it further says Melinda
14 Shadowitz, M.D., further advised that Karen L.
15 Dawson had taken the prescriptions written by
16 her to two different pharmacies to be filled,
17 right?
18 A. Yes.
19 Q. So is that an example of doctor
20 shopping and prescription forgery?
21 A. I would -- yeah, I would call it
22 more like doctor hopping, but -- because she's
23 already got a physician.
24 Q. I see. So -- so she already got
25 some prescriptions and went to get more from

<p style="text-align: right;">Page 262</p> <p>1 another doctor?</p> <p>2 A. Right.</p> <p>3 Q. So you personally would call that</p> <p>4 doctor hopping?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And then the going to two</p> <p>7 different pharmacies to be filled, that would</p> <p>8 be prescription forgery?</p> <p>9 A. Yes. Oh, yeah. Well -- well, she</p> <p>10 hasn't altered it. I would say the charges</p> <p>11 that -- that are here, the deception to obtain</p> <p>12 would be the charges.</p> <p>13 Q. Okay. Now, this looks like you got</p> <p>14 this case because you got a tip from somebody,</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. You'd agree with me that without</p> <p>18 that tip, this would have been very hard to</p> <p>19 detect, right?</p> <p>20 MR. LEDLIE: Objection to form.</p> <p>21 A. It would have gone undetected --</p> <p>22 Q. It would have gone --</p> <p>23 A. -- probably.</p> <p>24 Q. -- undetected? Because this type</p> <p>25 of crime is very difficult to detect, right?</p>	<p style="text-align: right;">Page 264</p> <p>1 unit did?</p> <p>2 A. I have no idea.</p> <p>3 Q. And what about suspect pharmacies?</p> <p>4 When you started to suspect a pharmacy was</p> <p>5 filling illegitimate orders, did you notify any</p> <p>6 of the Defendants in this case?</p> <p>7 A. I did not.</p> <p>8 Q. And do you know if anyone in the</p> <p>9 drug unit did?</p> <p>10 A. I do not know.</p> <p>11 Q. You didn't direct them to, right?</p> <p>12 A. No.</p> <p>13 Q. You would agree with me, if you had</p> <p>14 notified them, it's possible they would have</p> <p>15 been able to take action?</p> <p>16 MR. LEDLIE: Object to the form of</p> <p>17 the question.</p> <p>18 A. I don't know whether they could</p> <p>19 have taken action or not. Who knows.</p> <p>20 Q. Right, because since you didn't</p> <p>21 report it to them, you don't know one way or</p> <p>22 the other whether the distributor would have</p> <p>23 stopped the distribution if you'd reported it</p> <p>24 to them, right?</p> <p>25 MR. LEDLIE: Object to the form of</p>
<p style="text-align: right;">Page 263</p> <p>1 A. Yes.</p> <p>2 Q. And you'd agree with me that you</p> <p>3 were reliant in part on medical professionals</p> <p>4 like the one here to report this kind of crime</p> <p>5 to you, right?</p> <p>6 A. We were relying on any kind of</p> <p>7 intel- -- intelligence we could get.</p> <p>8 Q. And that's because of the</p> <p>9 difficulty in detecting these crimes, right?</p> <p>10 A. Right.</p> <p>11 MR. LEDLIE: Object.</p> <p>12 Q. You can put that one aside.</p> <p>13 So I think based on your previous</p> <p>14 answer I know the answer to this already, but</p> <p>15 did you ever have any unsuccessful prosecutions</p> <p>16 of doctors or diverters?</p> <p>17 A. Not that I can recall.</p> <p>18 Q. It sounds like no, because you only</p> <p>19 had the one and that was marijuana, right?</p> <p>20 A. Yes.</p> <p>21 Q. When you started to suspect that a</p> <p>22 doctor was unlawfully prescribing medicine, did</p> <p>23 you notify any of the Defendants in this case?</p> <p>24 A. I did not.</p> <p>25 Q. Do you know if anyone from the drug</p>	<p style="text-align: right;">Page 265</p> <p>1 the question. Asked and answered.</p> <p>2 A. Yeah, I wouldn't know.</p> <p>3 MS. SAULINO: We're just going to</p> <p>4 take a brief break to switch questioners.</p> <p>5 MR. LEDLIE: Okay.</p> <p>6 THE VIDEOGRAPHER: Off the record,</p> <p>7 3:43.</p> <p>8 (Off-the-record discussion.)</p> <p>9 THE VIDEOGRAPHER: On the record,</p> <p>10 3:48.</p> <p>11 EXAMINATION OF HYLTON E. BAKER</p> <p>12 BY MR. PULSIPHER:</p> <p>13 Q. Hello, Captain Baker. I'm Bryant</p> <p>14 Pulsipher. I work with Jennifer, and I have a</p> <p>15 few more questions for you.</p> <p>16 A. Okay.</p> <p>17 Q. You mentioned before that one of</p> <p>18 your responsibilities as commander related to</p> <p>19 the budget; is that correct?</p> <p>20 A. I did the grant requests.</p> <p>21 Q. What -- what are some of the</p> <p>22 requests you made in terms of grants?</p> <p>23 A. We requested money from the State</p> <p>24 to help us buy equipment. Let's see. We</p> <p>25 didn't take -- we didn't ask for any bond</p>

<p style="text-align: right;">Page 266</p> <p>1 money, so -- yeah, mostly to get equipment, 2 cars and such. 3 We wrote requests to HIDTA for 4 equipment such as phones. Again, vehicles. I 5 wrote a request for monies to purchase a Title 6 III intercept equipment. Just whatever we 7 could use to further our mission. 8 Q. So were any of these requests 9 tailored specifically to any particular 10 investigation or any particular drug? 11 A. No, not that I recall. They were 12 all tailored to -- to meet our mission. 13 Q. And when you say "meet our 14 mission," you mean all drug trafficking 15 investigations? 16 A. Yeah. Our mission was to dismantle 17 and disrupt major drug trafficking 18 organizations. 19 Q. Is it fair to say that all of the 20 drug unit's expenditures from your time as 21 commander related to the entirety of that 22 mission? 23 A. Yeah. 24 Q. So if I were to ask you to name a 25 specific expense that related to opioids, for</p>	<p style="text-align: right;">Page 268</p> <p>1 You know, when you're going out and making 2 buys, undercover wires, you need batteries and 3 such. 4 Q. Okay. So we've spoken about grant 5 money and forfeiture proceeds. Are there any 6 other sources of funding you relied upon? 7 MR. LEDLIE: Object to the form of 8 the question. 9 A. Not that I recall. That was our 10 basic source of income. 11 Q. Did you rely on any funding from 12 the County? 13 A. As far as? I mean, they paid us, 14 obviously. 15 Q. So the -- the salaries of sheriff's 16 deputies who are part of the drug unit were 17 paid from Summit County? 18 A. The sheriff's deputies were paid by 19 the County, yes. 20 Q. Are you aware of any other 21 expenditures within the drug unit's budget made 22 by the County? Paid by the County, I mean? 23 A. Probably space where we were 24 located. Other than that, no. 25 Q. So when you say "space," do you</p>
<p style="text-align: right;">Page 267</p> <p>1 example, you would be unable to do that? 2 A. There are -- I mean, I could -- I 3 could show that -- where somebody used funds to 4 buy drugs, specific drugs. 5 Q. Do I recall correctly from your 6 previous answer that you did not request grant 7 funds for buy money? 8 A. Correct. 9 Q. So where would that money have come 10 from? 11 A. That was -- I believe the County 12 had some kind of State funding. We also 13 utilized seizures. 14 Q. Can you explain what you mean by 15 seizures, please? 16 A. If we did a case, and during the 17 execution of the search warrant of that case or 18 during the case we were able to seize funds, at 19 the end of that case, we could ask the courts 20 to turn that money over to us for use in 21 completing our mission. 22 Q. Aside from buy money, how else did 23 you use the pro- -- proceeds from forfeitures? 24 A. We used it for equipment. We used 25 it for our everyday expenses that we needed.</p>	<p style="text-align: right;">Page 269</p> <p>1 mean the rent, for example? 2 A. Yes. 3 Q. So if we were to add up all of the 4 salaries, benefits, overtime, and the rent from 5 your time as commander, that would be the total 6 amount of money that Summit County paid -- 7 MR. LEDLIE: Object -- 8 Q. -- for the drug unit? 9 MR. LEDLIE: Object to the form of 10 the question. 11 A. I don't know for sure it would be. 12 Q. Well, we just spoke about those two 13 sources. Are you wondering if there are others 14 that we haven't spoken about? 15 A. Well, what I'm telling you is I put 16 in for grants from OCJS, and I wrote for grants 17 from HIDTA. The County had money from other 18 sources, unaware -- that I'm unaware of. I 19 don't know. I'm not in that realm. And we 20 used seizures. 21 Q. I see, so it's possible that the 22 County relied on funding sources you're not 23 aware of. 24 A. That is possible, yes. 25 Q. I see. Okay. During your time as</p>

<p style="text-align: right;">Page 270</p> <p>1 commander, did the size of the drug unit's 2 budget depend on the number or type of 3 investigations the drug unit conducted? 4 A. No. 5 Q. Did the size of the budget depend 6 instead on the size of the grants the drug unit 7 received? 8 MR. LEDLIE: Object to the form of 9 the question. 10 A. Our budget was, yeah, whatever we 11 had. Whatever we got. 12 Q. Did you ever request an increase in 13 the amount of grant funding you received? 14 A. From the State, it pretty much 15 stayed the same. HIDTA, we always asked for 16 more. We never got it, but we always asked. 17 Q. Do you mean that every year you 18 asked for more? 19 A. As far as I could recall, yeah, we 20 always tried to push the envelope. 21 Q. What do you mean by "push the 22 envelope"? 23 A. I mean request more -- more than we 24 got in the previous year. 25 Q. You said you never got it? Was the</p>	<p style="text-align: right;">Page 272</p> <p>1 Q. Did the drug unit have the 2 resources it needed during your time as 3 commander? 4 A. We worked off of what we had. We 5 could always use more. There's no question 6 about that. But I think we did a pretty good 7 job with what we had. 8 Q. You said, "We could always use 9 more. There's no question about that." What 10 would the more have been used for? 11 A. You know, who knows. More 12 investigations we did, the more directions we 13 could have gone. It's hard to say. 14 Q. So if the drug unit's budget had 15 doubled while you were commander, if you had 16 suddenly received twice as much money, what 17 would you have spent the money on? 18 A. Again, that's kind of hard to say. 19 Depending on where our investigations were 20 going, if I could have got personnel, we could 21 have done that. I don't know. It's a -- it's 22 wherever -- wherever we can put it to good use. 23 Q. You mentioned personnel. Would 24 that have been detectives? 25 A. Yes.</p>
<p style="text-align: right;">Page 271</p> <p>1 budget -- I'm sorry -- was the amount you 2 received from HIDTA ever larger than the amount 3 from the previous year? 4 A. I don't know. I think it stayed 5 pretty much the same. I mean, if we got 6 another guy and they added another phone, that 7 would have made it larger, but... 8 Q. So is it fair to say that you never 9 requested an increase in grant funds due to the 10 rise of a particular type of drug in your 11 investigations? 12 A. I did not. 13 Q. So, then, it must also be true that 14 you never requested an increase in the drug 15 unit's budget because you needed more resources 16 to investigate opioid trafficking? 17 MR. LEDLIE: Object to the form of 18 the question. 19 A. Basically, I never requested more 20 money because I knew we weren't going to be 21 able to get it. 22 Q. Did the drug unit have the 23 resources it needed during your time as 24 commander? 25 A. I'm sorry?</p>	<p style="text-align: right;">Page 273</p> <p>1 Q. Any extra vehicles? 2 A. If I got detectives, I need 3 vehicles for them. 4 Q. Personal equipment for them? 5 A. Their personal equipment came from 6 their departments. Their own personal -- 7 Q. So no? 8 A. -- had their own personal 9 equipment. 10 Q. I'm sorry. I'm sorry. I 11 interrupted. The answer was no -- no money 12 extra for personal equipment? 13 A. No. 14 Q. Any extra money for training? 15 A. Absolutely. Yeah. That's one of 16 the things we did is allow people to go to 17 training. 18 Q. Would you have directed any extra 19 money to efforts that relate specifically to 20 prescription opioids? 21 MR. LEDLIE: Object to the form of 22 the question. 23 A. I don't know. That -- you know, 24 hindsight 20/20 and all that, I don't know. I 25 mean, I could have directed it to whatever we</p>

<p style="text-align: right;">Page 274</p> <p>1 were involved in at the time.</p> <p>2 Q. Can you think of a particular</p> <p>3 expense or a particular use you would have</p> <p>4 dedicated that money to that relates to</p> <p>5 prescription opioids?</p> <p>6 A. Again, it's hard to say what we'd</p> <p>7 have done. Back then if I'd have had money and</p> <p>8 I had personnel, could have added some people</p> <p>9 to -- to be involved in diversion, perhaps.</p> <p>10 Q. I think you testified earlier that</p> <p>11 you didn't have any detectives devoted</p> <p>12 specifically to diversion; is that right?</p> <p>13 A. That is correct.</p> <p>14 Q. What makes you think that you would</p> <p>15 have spent the extra money on detectives</p> <p>16 devoted specifically to diversion, then, if you</p> <p>17 had received more money?</p> <p>18 A. I don't know exactly that I would</p> <p>19 have, but it's an option.</p> <p>20 Q. Understood. Is there a time when</p> <p>21 the drug unit's budget was particularly tight?</p> <p>22 A. Was what?</p> <p>23 Q. Particularly tight.</p> <p>24 MR. LEDLIE: Object to the form of</p> <p>25 the question.</p>	<p style="text-align: right;">Page 276</p> <p>1 A. I don't know if she's still there,</p> <p>2 but the person who was doing that at the time,</p> <p>3 her name was Pam Murray.</p> <p>4 Q. And you would expect that those</p> <p>5 documents would be in her file?</p> <p>6 MR. LEDLIE: Object to the form.</p> <p>7 A. I don't know for certain, but I</p> <p>8 would assume.</p> <p>9 Q. What makes you think that she would</p> <p>10 be the one to ask about the budget?</p> <p>11 A. She was the finance person that I</p> <p>12 worked through.</p> <p>13 Q. Throughout your time at the drug</p> <p>14 unit?</p> <p>15 A. Yes.</p> <p>16 Q. Was your successor Matt Paolino?</p> <p>17 A. Yes.</p> <p>18 Q. He also testified in a deposition</p> <p>19 earlier this month, and he said that he</p> <p>20 recalled the budget of the drug unit being</p> <p>21 particularly tight around the time he was</p> <p>22 starting.</p> <p>23 Do you agree that the budget was</p> <p>24 tight around the time you were ending and</p> <p>25 then-Lieutenant Paolino was starting?</p>
<p style="text-align: right;">Page 275</p> <p>1 A. Not necessarily the drug unit's.</p> <p>2 Q. The sheriff's office?</p> <p>3 A. The sheriff's office.</p> <p>4 Q. When was that time?</p> <p>5 A. Probably around -- I would guess,</p> <p>6 as far as I could remember, around 2009 up.</p> <p>7 Somewhere in there.</p> <p>8 Q. Would it be fair to say that it was</p> <p>9 connected to the financial crisis?</p> <p>10 MR. LEDLIE: Object to the form of</p> <p>11 the question.</p> <p>12 A. You know, it could have been a</p> <p>13 whole a lot of different things. I don't know.</p> <p>14 Q. Isn't it true that the sheriff's</p> <p>15 office decreased the number of deputies</p> <p>16 assigned to the drug unit in 2011?</p> <p>17 A. I don't remember losing anybody.</p> <p>18 Q. What documents would we consult if</p> <p>19 we wanted to know exactly how much money the</p> <p>20 drug unit spent between 2001 and 2012?</p> <p>21 A. You would have to go to the -- the</p> <p>22 finance officer or the sheriff's office for</p> <p>23 that.</p> <p>24 Q. Is there a particular person you</p> <p>25 think we should speak to?</p>	<p style="text-align: right;">Page 277</p> <p>1 A. The County was under a no-hiring</p> <p>2 freeze. Yeah. That would be tough.</p> <p>3 Q. Were any grant funds low, for</p> <p>4 example?</p> <p>5 A. Well, if I didn't write that one, I</p> <p>6 don't know. I don't know.</p> <p>7 Q. Did the drug unit have two separate</p> <p>8 accounts? A forfeiture account and a project</p> <p>9 income account?</p> <p>10 A. Yes.</p> <p>11 Q. Can you describe the difference</p> <p>12 between those two accounts for me, please?</p> <p>13 A. Project income would have been</p> <p>14 where the grant money went to. Forfeitures</p> <p>15 would have been the seizure money.</p> <p>16 Q. So it's not true that both were</p> <p>17 used for seizure funds?</p> <p>18 One of them, in other words, was</p> <p>19 used for money received from grants. The other</p> <p>20 was used for the proceeds from forfeitures and</p> <p>21 seizures; is that correct?</p> <p>22 MR. LEDLIE: Objection to the form</p> <p>23 of the question.</p> <p>24 A. Right. That's what I said.</p> <p>25 Q. Okay. Did you ever ask for</p>

<p style="text-align: right;">Page 278</p> <p>1 additional personnel from the sheriff during 2 your time as commander? 3 A. Yes. 4 Q. When was that? 5 A. Oh, I don't know. Anytime I could. 6 Q. So more than once? 7 A. Yes. 8 Q. Every year? 9 A. Quite possibly. 10 Q. And what was the reason you 11 requested more personnel? 12 A. The more investigators we have, the 13 more we can do. 14 Q. Could you pull out the 2009 annual 15 report? 16 Is that Exhibit 3? 17 A. Yes. 18 Q. Turn to page 2. This is the Bates 19 page ending 0647. There's a section titled 20 "Grant Funding." 21 A. Okay. 22 Q. Do you see where it says, "The 23 Summit County Drug Unit is partially funded by 24 the Ohio Governor's Office of Criminal Justice 25 Services. The Byrne Memorial JAG Grant award</p>	<p style="text-align: right;">Page 280</p> <p>1 funding mechanism. 2 Q. So if you look back and compare -- 3 A. And I'm -- 4 Q. I'm sorry. 5 A. I'm trying to remember when the 6 date was. It was -- it was close to the end of 7 my tenure. 8 Q. So if you look back at the 9 paragraph under "Grant Funding," midway through 10 it says, "The Summit County Drug Unit has also 11 been awarded funding in the amount of about 12 \$190,000 through the Ohio Drug Law Enforcement 13 Fund. 14 A. Okay. 15 Q. Is that the fund you were just 16 describing? 17 A. That was it. 18 Q. So that second fund -- 19 A. '9 or -- yeah, '9 or '10. That 20 would have been for '10, probably. 21 Q. The second fund is the one that was 22 brought about by a legislative action in which 23 you and other task force commanders 24 participated? 25 A. Yes.</p>
<p style="text-align: right;">Page 279</p> <p>1 for 2009 was about \$107,000. The grant 2 application for 2010 in the amount of about 3 \$140,000 has been approved." 4 Do you see that? 5 A. Yes. 6 Q. Did the drug unit always receive 7 money from the Byrne Memorial JAG Grant during 8 your time as commander? 9 A. No. 10 Q. During what years did it not 11 receive that grant? 12 A. Have to think about when this went 13 into effect. Every year there was a concern 14 whether or not Byrne would be funded by 15 congress. And so every year we kind of scraped 16 by, if you will, and the State lobbied congress 17 to get those fundings -- that funding. 18 During my tenure as president of 19 the organization, the drug force commanders 20 association, we went to the state legislature 21 and were able to successfully get a funding 22 mechanism in place in the state of Ohio that 23 covered any drug task force that wanted it. 24 After that went into effect, we no longer got 25 Byrne money. We got money from that particular</p>	<p style="text-align: right;">Page 281</p> <p>1 Q. And it was never available before 2 2008? 3 A. No, because it had to build. 4 Q. So that means that before 2008, the 5 drug unit was funded solely by the Byrne or JAG 6 grant? 7 MR. LEDLIE: Object to the form of 8 the question. 9 A. Between that and -- and HIDTA 10 funds. 11 Q. So do I understand correctly, then, 12 that there were three sources of funds: HIDTA 13 funds, the Byrne JAG Grant, and the Drug -- 14 Ohio Drug Law Enforcement Fund Grant? 15 A. Okay. So the -- the Byrne Memorial 16 Grant for 107 would have covered 2009. So the 17 annual report, that means 2009 is over. So 18 that's done. So there would have been the Ohio 19 Drug Law Enforcement Fund and HIDTA funds. 20 Q. Was there ever a year when the drug 21 unit received grant funds from the Drug Law 22 Enforcement Fund, HIDTA, and the Byrne JAG 23 Grant? 24 A. No. Once the -- once the Drug Law 25 Enforcement Fund went into effect, we didn't</p>

<p style="text-align: right;">Page 282</p> <p>1 request Byrne funds.</p> <p>2 Q. Do you know whether the drug unit</p> <p>3 currently requests or receives Byrne funds?</p> <p>4 MR. LEDLIE: Object to the form.</p> <p>5 A. I have no idea.</p> <p>6 Q. If you look back at the paragraph</p> <p>7 we were just describing, it says, "The JAG</p> <p>8 Grant award amount for 2009 was about \$107,000.</p> <p>9 The grant application for 2010 in the amount of</p> <p>10 about \$140,000 has been approved."</p> <p>11 Do you know the reason for the</p> <p>12 increase?</p> <p>13 A. Congress awarded more money.</p> <p>14 Q. Do you know why?</p> <p>15 A. I have no idea.</p> <p>16 Q. Did you have -- did you or any of</p> <p>17 the other members of OTFCA have a specific type</p> <p>18 of crime in mind when you requested more money</p> <p>19 from the Ohio legislature?</p> <p>20 A. No. Everybody is set up</p> <p>21 differently. Most everybody does narcotics</p> <p>22 work. Some of them do other crimes as well.</p> <p>23 And I can't talk for them.</p> <p>24 Q. But as far as the drug unit, you</p> <p>25 did not have a particular crime or drug in mind</p>	<p style="text-align: right;">Page 284</p> <p>1 A. No. I know there were a couple of</p> <p>2 specific HIDTA grants. One I actually did put</p> <p>3 in for and -- and was pretty much shot down.</p> <p>4 But, no, that was pretty much the funding</p> <p>5 sources that we used.</p> <p>6 Q. What grants did you just describe</p> <p>7 as being shot down? Do you know why?</p> <p>8 A. It was for a highway interdiction</p> <p>9 program, and it was shot down because the HIDTA</p> <p>10 group had their own highway interdiction</p> <p>11 program.</p> <p>12 Q. So as you understand it, they</p> <p>13 didn't want to spend the funds for the same</p> <p>14 purpose by two entities?</p> <p>15 MR. LEDLIE: Object to the form.</p> <p>16 A. I have no idea why -- you know,</p> <p>17 what their reasoning was. All I know is I</p> <p>18 didn't get it.</p> <p>19 Q. You mentioned before that the drug</p> <p>20 unit receives the proceeds of civil or criminal</p> <p>21 forfeitures, correct?</p> <p>22 A. Yes.</p> <p>23 Q. How often does it receive proceeds</p> <p>24 from forfeitures?</p> <p>25 A. Who knows. All depends on what</p>
<p style="text-align: right;">Page 283</p> <p>1 when you advocated for the adoption of the Drug</p> <p>2 Law Enforcement Fund?</p> <p>3 A. No.</p> <p>4 MR. LEDLIE: Object to the form of</p> <p>5 the question.</p> <p>6 Q. Are there any restrictions on how</p> <p>7 grant funds are used within the drug unit?</p> <p>8 A. There are restrictions by the</p> <p>9 government, for example, in the Byrne grants.</p> <p>10 There's only some things you could use it for;</p> <p>11 some things you couldn't use it for. For</p> <p>12 example, the Byrne grant, you couldn't pay</p> <p>13 anybody's salary. So we couldn't -- we</p> <p>14 couldn't add people for that.</p> <p>15 The Drug Law Enforcement Fund, use</p> <p>16 it for whatever you need it for.</p> <p>17 Q. Do you remember any other</p> <p>18 restrictions on the Byrne grant?</p> <p>19 A. Yeah, there were some, and I can't</p> <p>20 recall what they were. I know the important</p> <p>21 one was we couldn't put any bodies on there,</p> <p>22 but...</p> <p>23 Q. Were there any grants you or the</p> <p>24 drug unit considered but decided not to apply</p> <p>25 for?</p>	<p style="text-align: right;">Page 285</p> <p>1 cases there were and whether or not there were</p> <p>2 seizures there and how long the court</p> <p>3 proceedings took.</p> <p>4 Q. Approximately how much per year did</p> <p>5 the drug unit receive in forfeiture proceeds?</p> <p>6 A. You know what? Who knows.</p> <p>7 That's -- some cases you get a lot of money</p> <p>8 from. Some cases you don't. So, I mean, you</p> <p>9 just never know. You never know. It would be</p> <p>10 impossible to put a figure on that.</p> <p>11 Q. What's the largest amount you</p> <p>12 remember per year.</p> <p>13 A. One year we took \$2.8 million.</p> <p>14 Q. For the drug unit alone?</p> <p>15 A. No. It was split up between a lot</p> <p>16 of agencies.</p> <p>17 Q. A lot of agencies, meaning all</p> <p>18 those who contributed officers to the drug</p> <p>19 unit?</p> <p>20 MR. LEDLIE: Object to the form.</p> <p>21 A. And to other federal agencies.</p> <p>22 Q. Do you remember what year that was?</p> <p>23 A. It's probably somewhere between '9,</p> <p>24 '10, somewhere in there. I don't know.</p> <p>25 Q. Did the drug unit ever receive no</p>

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1 forfeiture proceeds for a given year?

2 A. Not that I can recall.

3 Q. What's the smallest amount that you

4 recall for a given year?

5 A. I don't know. I couldn't tell you.

6 - - - - -

7 (Thereupon, Deposition Exhibit 10,

8 Document Titled "Project Income

9 Worksheet-Total Budget Method,"

10 SUMMIT_000024552, was marked for

11 purposes of identification.)

12 - - - - -

13 Q. You've just been handed what's

14 marked as Baker 10. Do you recognize that

15 document?

16 A. Yes.

17 Q. What is it?

18 A. It's a project -- project income

19 worksheet.

20 Q. Did you prepare this?

21 A. What's that?

22 Q. Did you prepare this document?

23 A. It would have been done by myself

24 and Pam Murray.

25 Q. If you look next to Item A, the

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1 total task force budget --

2 A. Uh-huh.

3 Q. -- it says about 4.1 million.

4 A. Uh-huh.

5 Q. Is that dollars?

6 A. Yes.

7 Q. That's an amount in dollars?

8 A. Yes.

9 Q. Is that the total budget of the

10 drug unit, including all of the salaries,

11 expenses of all of the officers and all of

12 their equipment, et cetera?

13 A. Yes.

14 Q. So that includes money paid by the

15 other agencies to those officers, for example?

16 A. Right. That would be, like, their

17 salaries and all the cars and all our

18 equipment.

19 Q. The amount below that number,

20 190,000 or so, total project costs, do you see

21 that?

22 A. Yes.

23 Q. What does that mean?

24 A. Got to think back on how this

25 worked.

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1 Okay. That figure represents your

2 two lines from Line B, which was the OCJS was

3 the grant award, the local match was whatever

4 percentage the County had to match that, and

5 that gave you that number of the total

6 budget -- the total project costs.

7 Q. So in this year there was no State

8 grant; is that correct?

9 A. 2009. Right, this is a JAG grant,

10 J-A-G, JAG grant.

11 Q. So does that mean that the federal

12 grant and the matching funds covered all the

13 drug unit's costs that year?

14 MR. LEDLIE: Object to the form of

15 the question.

16 A. I don't know. The -- the grant's

17 what we were allocated and the County had their

18 percentage match, and that's what we ran off

19 of.

20 Q. If you look at Item C, "Total

21 Forfeitures Received During Current Period."

22 A. Uh-huh.

23 Q. Approximately 1.2 million.

24 A. Yes.

25 Q. Does that -- does that amount show

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1 the amount of forfeiture proceeds the drug unit

2 received that year?

3 A. I believe it does, yes.

4 Q. How did the drug unit use the money

5 that year?

6 A. God, I don't remember. We --

7 investigations. Also know that when

8 forfeitures came in, they could be used to

9 further investigations. They could also be

10 split up between all of the agencies involved

11 in the task force. Maybe a one-time, every

12 year kind of Merry Christmas thing, go buy

13 yourself a new squad car. It's hard to say.

14 Q. So it could be that forfeiture

15 proceeds were distributed to participants in

16 the drug unit?

17 A. Some of it, yes.

18 Q. And that would happen approximately

19 once per year?

20 A. Yeah, pretty much.

21 Q. Who decided how much was given to

22 whom?

23 A. We would sit down if they had a

24 large amount to give out, and pretty much

25 everybody got --

<p style="text-align: right;">Page 290</p> <p>1 Q. Who's --</p> <p>2 A. -- an equal share.</p> <p>3 Q. Who is "we" in your answer?</p> <p>4 A. Like myself, Pam Murray.</p> <p>5 Q. Was the drug unit board of</p> <p>6 directors involved in that decision?</p> <p>7 A. They were the ones that got it.</p> <p>8 That got the -- the monies.</p> <p>9 Q. I see. You can set that aside.</p> <p>10 Thank you.</p> <p>11 Did the drug unit or its officers</p> <p>12 ever administer naloxone or Narcan during your</p> <p>13 tenure?</p> <p>14 A. No, sir.</p> <p>15 Q. Are you aware of any increased</p> <p>16 training costs the drug unit incurred as a</p> <p>17 result of the Defendants' actions in this case?</p> <p>18 MR. LEDLIE: Object to the form of</p> <p>19 the question.</p> <p>20 A. I don't know that there were</p> <p>21 increases. I mean, we allowed people to go to</p> <p>22 training whenever they could get training.</p> <p>23 Q. Did any of that training relate</p> <p>24 specifically to prescription opioids?</p> <p>25 A. Not that I recall.</p>	<p style="text-align: right;">Page 292</p> <p>1 Q. And other assets seized?</p> <p>2 A. Correct.</p> <p>3 Q. Did the drug unit have any</p> <p>4 involvement in corrections during your time</p> <p>5 as -- tenure?</p> <p>6 A. In corrections?</p> <p>7 Q. For example, did the drug unit ever</p> <p>8 investigate any cases in the jail?</p> <p>9 A. Oh, yeah.</p> <p>10 Q. How many?</p> <p>11 A. I don't know.</p> <p>12 Q. Do you know what kind of drugs</p> <p>13 those cases involved?</p> <p>14 A. Probably anything you can imagine.</p> <p>15 Q. Did the drug unit have any</p> <p>16 increased involvement with the county jail as a</p> <p>17 result of the opioid crisis?</p> <p>18 A. In what manner?</p> <p>19 Q. Did you conduct a larger number of</p> <p>20 investigations in the jail because of the</p> <p>21 opioid crisis?</p> <p>22 A. Oh, I don't know. Whatever came</p> <p>23 down came down, and that's what we worked.</p> <p>24 Q. You can't remember any specific</p> <p>25 investigations relating to opioids in the jail?</p>
<p style="text-align: right;">Page 291</p> <p>1 Q. If you could look back at Exhibit</p> <p>2 10, I have one more question.</p> <p>3 The forfeiture amount, the</p> <p>4 approximately 1.2 million --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- is that a typical amount for</p> <p>7 a -- for a given year?</p> <p>8 A. No. That was a pretty good year.</p> <p>9 Q. It's a good year?</p> <p>10 A. Yeah.</p> <p>11 Q. A large amount, then?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 A. Now, understand that could also</p> <p>15 reflect values for vehicles or anything else,</p> <p>16 too.</p> <p>17 Q. So it would include cash amounts</p> <p>18 seized?</p> <p>19 A. What's that?</p> <p>20 Q. Would it include cash amounts</p> <p>21 seized?</p> <p>22 A. It would, yes.</p> <p>23 Q. And the value of any vehicles</p> <p>24 seized?</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 293</p> <p>1 A. I remember we did investigations</p> <p>2 with stuff coming in, but I can't remember</p> <p>3 exactly what it was.</p> <p>4 Q. So it's fair to say that you don't</p> <p>5 recall an increase in the number of opioid</p> <p>6 investigations in the jail?</p> <p>7 A. Yes.</p> <p>8 Q. Did the sheriff's office or the</p> <p>9 drug unit participate in a DARE program?</p> <p>10 A. We did not.</p> <p>11 Q. Do you know if the drug unit or the</p> <p>12 sheriff's office has a DARE program now?</p> <p>13 MS. RION: Object.</p> <p>14 A. Okay. Let me clarify. They had</p> <p>15 DARE people. They weren't involved in the</p> <p>16 narcotics unit or the drug unit.</p> <p>17 Q. The sheriff's office?</p> <p>18 A. It was a separate -- yes.</p> <p>19 Q. So the sheriff's office maintains a</p> <p>20 DARE program?</p> <p>21 A. Yes.</p> <p>22 Q. But that's not related to the drug</p> <p>23 unit's activities?</p> <p>24 A. That would be correct.</p> <p>25 Q. Have any members of the drug unit</p>

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1 spent time meeting with people to talk about
2 opioids?
3 MS. RION: Object to the form.
4 A. I don't know if they have or not.
5 I have been involved in talks personally, but
6 as to -- as far as those -- the people that are
7 there now, I have no clue.
8 Q. During your tenure, did any drug
9 unit officers go into the community and speak
10 at events about opioids?
11 A. Carmen may have. If not her, it
12 would have been me.
13 Q. But no one else?
14 A. Most people were working
15 undercover. Those aren't the people you want
16 out there in front of a whole lot of cameras
17 and such.
18 Q. Okay. Let's shift topics now and
19 talk about the drug unit's documents.
20 A. The --
21 Q. Documents and reports.
22 A. Okay.
23 Q. Did you receive a letter or e-mail
24 instructing you not to delete anything in
25 connection with this case?

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1 A. I have not.
2 Q. You mentioned before that you have
3 an old computer that belongs to the drug unit;
4 is that correct?
5 A. Yes.
6 Q. Did you keep anything else after
7 you retired, as far as documents or computers?
8 A. I have a copy of this.
9 MR. LEDLIE: No. 2.
10 Q. Exhibit 2?
11 A. Uh-huh. I have some pens.
12 Q. You mentioned, I think before, you
13 have a stick?
14 A. Yes.
15 Q. Is that something you kept from
16 your time at the drug unit?
17 A. My personal one.
18 Q. Does it have files from the drug
19 unit on it?
20 A. I believe it might have a copy of a
21 slideshow.
22 Q. And that's the one you testified
23 about earlier?
24 A. Yes.
25 Q. Anything else?

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1 A. Some photos, perhaps.
2 Q. Are those photos related to the
3 drug unit?
4 A. Yes.
5 Q. Do you remember what the photos
6 depict?
7 A. Probably raids.
8 Q. Investigations and raids on drug
9 cases?
10 A. Yes.
11 Q. Do you recall any -- whether any of
12 them relate to opioid investigations?
13 A. No, I don't recall.
14 Q. Did you use e-mail while you worked
15 at the sheriff's office?
16 A. Pardon me?
17 Q. You've -- you've -- you've seen
18 exhibits that --
19 A. Yeah.
20 Q. -- we've shown you that were
21 e-mails from your time at the sheriff's office.
22 A. Right.
23 Q. When did you start using e-mail at
24 the sheriff's office?
25 A. Exact date I couldn't tell you. I

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1 don't know.
2 Q. Before 2010?
3 A. Possibly.
4 Q. Before 2005?
5 A. Possible. I don't...
6 Q. So you had a sheriff's office
7 e-mail address; is that correct?
8 A. Yes.
9 Q. Did you have an e-mail address -- a
10 personal e-mail address that you used for work?
11 A. Had a sheriff's office one.
12 Q. Did -- did you have a HIDTA e-mail
13 address?
14 A. I did not.
15 Q. A DOJ or DEA e-mail address?
16 A. No.
17 Q. An e-mail address with OTFCA?
18 A. No.
19 Q. So your only e-mail address you
20 used for work was the Summit County Sheriff's
21 Office e-mail address?
22 A. Correct.
23 Q. Did the drug unit use computers
24 while you were there?
25 A. Yes.

<p style="text-align: right;">Page 298</p> <p>1 Q. To keep files, case files on 2 computers? 3 A. The case files are hard. 4 Q. So the case files we were 5 discussing earlier and saw some examples of are 6 all in hard copy, as far as you know? 7 A. As far as I know. 8 Q. For example, in filing cabinets? 9 A. Yes. 10 Q. Does the drug unit keep -- or did 11 the drug unit, during your time as commander, 12 keep any of its case files in electronic 13 format? 14 A. I'm sure guys had stuff on their 15 computers, but there was -- there was always a 16 hard copy. 17 Q. How old are the drug unit's oldest 18 files? 19 MS. RION: Object to the form. 20 A. Drug unit was formed in 2001, so 21 they're back to 2001. 22 Q. Does the drug unit keep any older 23 files from CENTAC or the sheriff's office 24 narcotic unit? 25 MS. RION: Objection to form.</p>	<p style="text-align: right;">Page 300</p> <p>1 A. Yes. 2 Q. How often? 3 A. I believe they may have been 4 quarterly. 5 Q. Do you remember what they were 6 called, if they had a title at the top? 7 A. No. Just HIDTA report, I guess. I 8 don't know. 9 Q. Does the drug unit track any data, 10 as far as you know? 11 MR. LEDLIE: Object to the form of 12 the question. 13 A. I don't know what they're doing. 14 Q. Did the drug unit track data during 15 your time as commander? 16 A. Not really. I mean, I kept 17 information to fill out the reports. 18 Q. Where did you keep that 19 information? 20 A. On a legal sheet. 21 Q. What do you mean by that? 22 A. Piece of paper. 23 Q. You would write out your 24 information on a piece of paper for a quarter, 25 for example?</p>
<p style="text-align: right;">Page 299</p> <p>1 A. There may be some there. 2 Q. Do you know how far back those 3 files would go? 4 A. No. 5 Q. Has the drug unit ever deleted or 6 destroyed any of its files? 7 A. Not that I'm aware of. 8 Q. So you've mentioned a few reports 9 that you've prepared during your time. One of 10 them was the addendum we've discussed in 11 Exhibit 2. 12 Are there others that you prep- -- 13 prepared in connection with grants and 14 applications on a regular basis? 15 A. There was grant every year. This 16 is the only time we did that, so the rest of 17 them are just basic grant applications. 18 Q. Is there a reason you prepared this 19 longer or larger report that year and not 20 others? 21 A. Because the State asked for it. 22 Q. In connection with the grant 23 application? 24 A. Yes. 25 Q. Did you prepare reports for HIDTA?</p>	<p style="text-align: right;">Page 301</p> <p>1 A. Uh-huh. 2 Q. Are those reports still at the drug 3 unit? 4 A. I have no idea. 5 Q. Were they kept in a particular 6 location during your time as commander? 7 A. I had them in a -- in a file 8 drawer. 9 Q. Do you know whether anybody ever 10 typed them up or put them in a spreadsheet, for 11 example? 12 A. I mean, I obviously typed them up. 13 Yeah. I have no idea. Once we submitted them, 14 I have no clue what they did with them. 15 Q. Is it possible those handwritten 16 reports were destroyed? 17 MR. LEDLIE: Object to the form of 18 the question. 19 A. Anything's possible. 20 - - - - - 21 (Thereupon, Deposition Exhibit 11, 22 Document Titled "Ohio Office of 23 Criminal Justice Services Quarterly 24 Subgrant Report," SUMMIT_001010609 25 to 001010613, was marked for</p>

<p style="text-align: right;">Page 302</p> <p>1 purposes of identification.)</p> <p>2 - - - -</p> <p>3 Q. You've just been handed what's been</p> <p>4 marked as Baker 11. Do you recognize this</p> <p>5 document?</p> <p>6 A. This would have been one of the</p> <p>7 expenditure sheets provided to OCJS.</p> <p>8 Q. Did you help to prepare this sheet?</p> <p>9 A. No.</p> <p>10 Q. Who did?</p> <p>11 A. This is Pam Murray.</p> <p>12 Q. Do you know what the purpose of</p> <p>13 this report is?</p> <p>14 A. I want to say that they send it to</p> <p>15 the State so that the State knows and can</p> <p>16 forward it on to the government that we're</p> <p>17 spending their money.</p> <p>18 Q. Did the drug unit ever provide any</p> <p>19 funding to Ohio HIDTA?</p> <p>20 A. No.</p> <p>21 Q. And the drug unit did receive some</p> <p>22 funding from the HIDTA, correct?</p> <p>23 A. Right. We got it in the form of</p> <p>24 equipment, like phones, computers, things like</p> <p>25 that. We didn't get any cash.</p>	<p style="text-align: right;">Page 304</p> <p>1 Q. What type of community awareness</p> <p>2 programs?</p> <p>3 A. Drug -- drug stuff. A lot of it</p> <p>4 was in -- a lot of it involved methamphetamine.</p> <p>5 Q. Okay. And this was from 2001 to</p> <p>6 2012?</p> <p>7 A. Yes.</p> <p>8 Q. And you had consistent contacts</p> <p>9 with the county health department; is that</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And someone from the</p> <p>13 University of Akron?</p> <p>14 A. Yes. I think -- I believe -- I</p> <p>15 believe the group was part of OSAMN.</p> <p>16 Q. Okay. And how often would you have</p> <p>17 dialogue with these entities?</p> <p>18 A. Sporadically. It wasn't -- it</p> <p>19 wasn't an ongoing thing. I think we talked to</p> <p>20 OSAMN maybe once or twice a year, if that.</p> <p>21 Q. Okay. Does Summit County have a</p> <p>22 drug court?</p> <p>23 A. At one time they did. I don't know</p> <p>24 if they still continue that or not.</p> <p>25 Q. Okay. Did the drug unit ever make</p>
<p style="text-align: right;">Page 303</p> <p>1 MR. PULSIPHER: We can go off the</p> <p>2 record.</p> <p>3 THE VIDEOGRAPHER: Off the record,</p> <p>4 4:36.</p> <p>5 (A recess was taken.)</p> <p>6 THE VIDEOGRAPHER: On the record</p> <p>7 4:48.</p> <p>8 EXAMINATION OF HYLTON E. BAKER</p> <p>9 BY MS. HARTMAN:</p> <p>10 Q. Hi, Commander Baker, my name is</p> <p>11 Ruth Hartman, and I represent the Endo</p> <p>12 Defendants.</p> <p>13 My first question is, did the drug</p> <p>14 unit have any interaction with drug treatment</p> <p>15 programs while you were chief?</p> <p>16 A. We had dialogue with the county</p> <p>17 health department, not directly with any of</p> <p>18 their programs. And we had dialogue with -- I</p> <p>19 can't think of the name of the -- the</p> <p>20 organization out of the University of Akron on</p> <p>21 things that were going on, what everybody saw.</p> <p>22 Q. When you said you have dialogue,</p> <p>23 what do you mean by that?</p> <p>24 A. Sometimes we would do programs with</p> <p>25 them, community awareness things.</p>	<p style="text-align: right;">Page 305</p> <p>1 any referrals -- I'm sorry. Did the drug unit</p> <p>2 ever make any referrals to the drug court</p> <p>3 during your tenure?</p> <p>4 A. We didn't refer anybody. We sent</p> <p>5 everybody through the system, and the system</p> <p>6 worked them out.</p> <p>7 Q. Did you ever consider referring any</p> <p>8 people to the drug court?</p> <p>9 A. No.</p> <p>10 Q. Why not?</p> <p>11 A. Our job was to put them in jail and</p> <p>12 move along.</p> <p>13 Q. Okay. I'd like to introduce</p> <p>14 Exhibit 12.</p> <p>15 - - - -</p> <p>16 (Thereupon, Deposition Exhibit 12,</p> <p>17 July 2012 E-Mail Chain Re:</p> <p>18 Pharmaceutical Diversion Training,</p> <p>19 with Attachment, SUMMIT_001008149 to</p> <p>20 001008157, was marked for purposes</p> <p>21 of identification.)</p> <p>22 - - - -</p> <p>23 Q. Can you take a moment to review</p> <p>24 this e-mail?</p> <p>25 Do you recall receiving this e-mail</p>

<p style="text-align: right;">Page 306</p> <p>1 in July 2012?</p> <p>2 A. Pardon me?</p> <p>3 Q. Do you recall receiving this e-mail</p> <p>4 in July of 2012?</p> <p>5 A. No.</p> <p>6 Q. Do you have any reason to believe</p> <p>7 you didn't receive this e-mail?</p> <p>8 A. I just don't remember getting it.</p> <p>9 Q. Okay. But it is likely that you</p> <p>10 received it? Your address is on --</p> <p>11 A. My address is on it. Yeah, I</p> <p>12 imagine.</p> <p>13 Q. Who is Commander John Burke?</p> <p>14 A. He was the commander of the Warren</p> <p>15 County Drug Task Force.</p> <p>16 Q. Do you know why you would have</p> <p>17 received this e-mail?</p> <p>18 A. He was -- they were putting on --</p> <p>19 obviously putting on a seminar and bringing it</p> <p>20 to our attention and everybody else's attention</p> <p>21 if we wanted to send anybody down there.</p> <p>22 Q. Okay. And the seminar is offered</p> <p>23 by the National Association of Drug Diversion</p> <p>24 Investigators; is that correct?</p> <p>25 A. That's what it indicates, yes.</p>	<p style="text-align: right;">Page 308</p> <p>1 Q. Okay. And what does that group do?</p> <p>2 A. They're Ohio narcotics</p> <p>3 investigators.</p> <p>4 Q. Do they hold meetings?</p> <p>5 A. Yeah, yeah. It's just a -- you</p> <p>6 know, it's like a fraternity, I guess.</p> <p>7 Q. Okay. Do they have educational</p> <p>8 programs?</p> <p>9 A. They do training things, yes.</p> <p>10 Q. Okay. Well, I'd like to call your</p> <p>11 attention to the flyer attached to the e-mail.</p> <p>12 Do you know whether anyone from</p> <p>13 your department attended this training in 2012?</p> <p>14 A. I don't recall if anyone did.</p> <p>15 Q. Would you have promoted this</p> <p>16 training to members of the drug unit?</p> <p>17 A. I would have made them aware that</p> <p>18 it was available.</p> <p>19 Q. How would you have done that?</p> <p>20 A. Probably in a meeting or walked by</p> <p>21 and said, "Hey, by the way, I just got this</p> <p>22 thing."</p> <p>23 Q. Well, let's look at the page that</p> <p>24 ends with Bate No. 8150, the first page of</p> <p>25 the -- the flyer.</p>
<p style="text-align: right;">Page 307</p> <p>1 Q. Are you familiar with this entity?</p> <p>2 A. Yeah, I've heard of it.</p> <p>3 Q. Okay. Are you a member of it?</p> <p>4 A. I am not.</p> <p>5 Q. Do you know what this entity does?</p> <p>6 A. No.</p> <p>7 Q. Is anyone else in the drug unit a</p> <p>8 member, at least to your knowledge, while</p> <p>9 during your tenure?</p> <p>10 A. During my tenure, no.</p> <p>11 Q. No?</p> <p>12 A. Not to my knowledge.</p> <p>13 Q. Are you a member of any other</p> <p>14 national drug organizations that provide</p> <p>15 education, educational programs?</p> <p>16 A. National, no.</p> <p>17 Q. Okay. But in Ohio you are?</p> <p>18 A. I was until I retired.</p> <p>19 Q. Okay. And besides the ones we've</p> <p>20 already discussed today, are there are any</p> <p>21 others that haven't come up?</p> <p>22 A. Other than the -- I've got to think</p> <p>23 of what the acronym for it is. It's just --</p> <p>24 basically just Ohio drug narcotics</p> <p>25 investigators.</p>	<p style="text-align: right;">Page 309</p> <p>1 A. Okay.</p> <p>2 Q. The second paragraph says, "The</p> <p>3 pharmaceutical drug abuse problem is probably</p> <p>4 one of the most overlooked problems in our</p> <p>5 society by law enforcement, prosecutors, and</p> <p>6 judges."</p> <p>7 Do you think that's an accurate</p> <p>8 statement as of 2012, that the pharmaceutical</p> <p>9 drug abuse problem was overlooked?</p> <p>10 A. Oh, I don't know.</p> <p>11 Q. You don't know?</p> <p>12 A. I mean, they're making their case</p> <p>13 for their program. I -- I -- I don't know.</p> <p>14 Q. But your unit had been aware of</p> <p>15 pharmaceutical drug problems before 2012?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Did you ever request copies</p> <p>18 of the training provided in this program?</p> <p>19 A. No.</p> <p>20 Q. If we look at the list of contents</p> <p>21 of the training, one of the bullet points</p> <p>22 reads, "How to identify pills and use of NDC</p> <p>23 codes of the pills as an investigative tool."</p> <p>24 Do you know what an NDC code is?</p> <p>25 A. Other than the numbers that are</p>

<p style="text-align: right;">Page 310</p> <p>1 stamped into a pill, no.</p> <p>2 Q. Okay. Have you attended any</p> <p>3 specific trainings during your tenure about</p> <p>4 pharmaceutical diversion in law enforcement?</p> <p>5 A. I know I -- I did some back before,</p> <p>6 while I was still in the narcotics unit --</p> <p>7 Q. And that's in the --</p> <p>8 A. -- during --</p> <p>9 Q. -- '90s?</p> <p>10 A. What's that?</p> <p>11 Q. In the '90s you attended?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay.</p> <p>14 A. Other than -- but during my tenure,</p> <p>15 I don't recall going -- specifically going to</p> <p>16 any diversion schools.</p> <p>17 Q. Why not?</p> <p>18 A. I was pretty busy.</p> <p>19 Q. Do you encourage your investigators</p> <p>20 to attend continuing education programs?</p> <p>21 A. Anytime they were interested in</p> <p>22 going to a school, we tried to make that</p> <p>23 happen.</p> <p>24 Q. Would they go to trainings at least</p> <p>25 once or twice a year?</p>	<p style="text-align: right;">Page 312</p> <p>1 Q. Oh, so any training that any of</p> <p>2 your officers participated in would be housed</p> <p>3 in the -- the department, the head of</p> <p>4 department you mentioned?</p> <p>5 A. Well, in their individual</p> <p>6 departments.</p> <p>7 Q. Okay.</p> <p>8 A. People other than the sheriff's</p> <p>9 office.</p> <p>10 Q. So there would be a record of the</p> <p>11 training programs?</p> <p>12 A. Right.</p> <p>13 Q. Okay.</p> <p>14 A. I don't have it.</p> <p>15 Q. Right. Did you keep a daily record</p> <p>16 of your time on the job during your tenure of</p> <p>17 how you spent your time?</p> <p>18 A. No.</p> <p>19 Q. Did anyone in your department fill</p> <p>20 out a record of how he or she spent her day?</p> <p>21 A. No.</p> <p>22 Q. So no one in your department kept a</p> <p>23 record of how much time they spent on opioid --</p> <p>24 opioid-related investigations?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 311</p> <p>1 A. I don't know. I mean, some of them</p> <p>2 did. Some of them didn't. I couldn't tell you</p> <p>3 who did what.</p> <p>4 Q. Did you keep a record of the</p> <p>5 training that your officers attended?</p> <p>6 A. No.</p> <p>7 Q. Did you keep a record of the</p> <p>8 trainings that you attended?</p> <p>9 A. My trainings are located in the</p> <p>10 training bureau of the sheriff's office.</p> <p>11 Q. Is that only if you get a</p> <p>12 certificate from the training?</p> <p>13 A. Right.</p> <p>14 Q. Okay. But would there be other</p> <p>15 trainings you attended for which you didn't</p> <p>16 receive a certificate?</p> <p>17 A. I don't recall any that I didn't</p> <p>18 receive any certificates for.</p> <p>19 Q. Okay. So you usually receive a</p> <p>20 certificate --</p> <p>21 A. Right.</p> <p>22 Q. -- with your training? Okay.</p> <p>23 A. And if any of these guys went to</p> <p>24 any schools, I'm sure their departments have</p> <p>25 that information.</p>	<p style="text-align: right;">Page 313</p> <p>1 Q. Would there be a way to tell how</p> <p>2 much time your department spent on opioid --</p> <p>3 opioid-related investigations?</p> <p>4 MR. LEDLIE: Object to the form of</p> <p>5 the question.</p> <p>6 A. I have no idea.</p> <p>7 Q. You have no idea?</p> <p>8 I'd like to go back to Exhibit 3,</p> <p>9 which we've looked at before. It's the 2009</p> <p>10 annual report. Can we look at page 6, which is</p> <p>11 Bates No. 830651. You can see on that page it</p> <p>12 says, "During 2009 Captain Baker provided 43</p> <p>13 presentations throughout Ohio," correct?</p> <p>14 A. Uh-huh, yes.</p> <p>15 Q. So you must have a list somewhere</p> <p>16 of the presentations you gave; is that correct?</p> <p>17 MR. LEDLIE: Object to the form of</p> <p>18 the question.</p> <p>19 A. There probably -- if there's a</p> <p>20 list -- there probably is -- you see there</p> <p>21 underneath the -- that paragraph. So if I did</p> <p>22 them, they're probably in annual reports.</p> <p>23 Q. Okay. Because, I mean, it says you</p> <p>24 provided 43 presentations, but this is fewer</p> <p>25 than 43; would you agree?</p>

<p style="text-align: right;">Page 314</p> <p>1 A. Yes.</p> <p>2 Q. So you kept track of the</p> <p>3 presentations you made throughout the year; is</p> <p>4 that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And for each presentation,</p> <p>7 would you provide a PowerPoint?</p> <p>8 A. Yes.</p> <p>9 Q. So every time you gave a</p> <p>10 presentation, you provided a PowerPoint --</p> <p>11 A. I gave --</p> <p>12 Q. -- to the audience?</p> <p>13 A. I gave one, if that -- that's what</p> <p>14 you meant.</p> <p>15 Q. Okay.</p> <p>16 A. I mean, I had -- I projected one,</p> <p>17 if that's what you're --</p> <p>18 Q. All right. Were they the same</p> <p>19 PowerPoint presentation?</p> <p>20 A. Yes.</p> <p>21 Q. So you don't have 43 different</p> <p>22 PowerPoint presentations?</p> <p>23 A. No.</p> <p>24 Q. You just have one?</p> <p>25 A. One.</p>	<p style="text-align: right;">Page 316</p> <p>1 Q. It says, "In 2007, across the state</p> <p>2 of Ohio, unintentional drug poisoning became</p> <p>3 the leading cause of injury/death, surpassing</p> <p>4 motor vehicle crashes and suicides."</p> <p>5 A. Yes.</p> <p>6 Q. And I think you testified before</p> <p>7 this is still correct; this is what you believe</p> <p>8 to be true in 2007?</p> <p>9 A. That information -- yeah, that</p> <p>10 information would have come from the Ohio</p> <p>11 Department of Health.</p> <p>12 Q. The Ohio Department of Health?</p> <p>13 Okay.</p> <p>14 A. Uh-huh.</p> <p>15 Q. Can we look down at the -- the next</p> <p>16 page. It says, "In 2009, the Summit County</p> <p>17 Drug Unit, along with the Summit County</p> <p>18 Sheriff's Office and other local agencies</p> <p>19 participated in CPD removal programs across the</p> <p>20 county, allowing residents to safely and</p> <p>21 securely dispose of unused CPDs."</p> <p>22 What's a removal program?</p> <p>23 A. Basically, they set up, like, a</p> <p>24 mailbox in the lobbies of police departments</p> <p>25 and other secure areas where people can come in</p>
<p style="text-align: right;">Page 315</p> <p>1 Q. Not more than one?</p> <p>2 A. I mean, there's the same one</p> <p>3 updated every -- every so often.</p> <p>4 Q. Oh, you would update the PowerPoint</p> <p>5 presentation?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. What were the main points in</p> <p>8 that Power presentation?</p> <p>9 A. It was a meth presentation.</p> <p>10 Q. It was a meth presentation?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Did you ever give a</p> <p>13 presentation about opioids?</p> <p>14 A. Later, towards my tenure, I had a</p> <p>15 general overview of what we saw that had</p> <p>16 opioids in it.</p> <p>17 Q. Was that a PowerPoint presentation?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know whether it was produced</p> <p>20 in this litigation?</p> <p>21 A. To my knowl- -- I have no idea.</p> <p>22 Q. Can we turn the page, please, to</p> <p>23 page 7? The second item is "Controlled</p> <p>24 Prescription Drugs, CPDs." Do you see that?</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 317</p> <p>1 and, no questions asked, throw unused</p> <p>2 prescriptions into those, and then they're</p> <p>3 collected and destroyed.</p> <p>4 Q. How long has the Summit County</p> <p>5 sheriff's office conducted removal programs for</p> <p>6 CPDs?</p> <p>7 A. I believe it's been ongoing since</p> <p>8 2009.</p> <p>9 Q. Okay. Did it start before 2009?</p> <p>10 A. The DEA instituted a program that</p> <p>11 was a one-day take-back, and this is basically</p> <p>12 kind of an offshoot of that program.</p> <p>13 Q. And what was your particular</p> <p>14 involvement with this program?</p> <p>15 A. My evidence officer collected the</p> <p>16 drugs for disposal.</p> <p>17 Q. Do you know how this program was</p> <p>18 promoted in the community?</p> <p>19 A. I have no idea how they did it.</p> <p>20 Q. Did the promotion efforts come out</p> <p>21 of your budget?</p> <p>22 A. No.</p> <p>23 Q. Do you know who paid for the</p> <p>24 promotion efforts?</p> <p>25 A. I do not.</p>

<p style="text-align: right;">Page 318</p> <p>1 Q. I'd like to take you on to page 11 2 and 12. Now, this -- these two pages contain a 3 lot of data, records of arrests for certain 4 types of drugs. 5 A. Uh-huh. 6 Q. Do you know where these numbers 7 came from? 8 A. From the information that I kept on 9 a sheet. 10 Q. Okay. What kind of sheet did you 11 keep? 12 A. I just kept a -- a log when -- 13 anytime they made an arrest, I would mark what 14 it was. For example, if they arrested someone 15 and they were Caucasian and they were -- 16 whatever they were involved in. 17 Q. Was it in an Excel spreadsheet? 18 A. Huh? 19 Q. Did you keep it -- 20 A. No, no. 21 Q. So you just kept it in a Word 22 document? 23 A. No. It was on a piece of paper, 24 and then at the end of the year or whatever, I 25 added them all up and put them into that.</p>	<p style="text-align: right;">Page 320</p> <p>1 Q. And this is in connection with the 2 Byrne-funded projects? 3 A. Yes. 4 Q. Would you prepare this report? 5 A. Yes. 6 Q. And can you turn to the next page. 7 The report makes a distinction between 8 non-pharmaceutical drugs and pharmaceutical 9 drugs; is that correct? 10 A. Where are you? 11 Q. Page 2. Well, I don't know if that 12 distinction is clear here, but this is a 13 non-pharmaceutical drugs reporting section; is 14 that correct? 15 A. Okay, yes. 16 Q. And here you also have numbers that 17 populate this chart. 18 A. Yes. 19 Q. Where did you get those numbers? 20 A. From the -- 21 Q. From your notepad? 22 A. Yes. 23 Q. Okay. And let's turn to page 6, 24 which ends the Bates No. 20- -- 23803. 25 A. Okay.</p>
<p style="text-align: right;">Page 319</p> <p>1 Q. Okay. And how did you keep this -- 2 did you have one file where you kept 3 statistics? 4 A. Uh-huh. 5 Q. Okay. And where was that file 6 located? 7 A. In my desk drawer. 8 MS. HARTMAN: I'd like to introduce 9 Exhibit 13. 10 - - - - - 11 (Thereupon, Deposition Exhibit 13, 12 Document Titled "Ohio Office of 13 Criminal Justice Services Byrne 14 Memorial Grant Program, Area A: Law 15 Enforcement Task Forces Semi-Annual 16 Performance Report," 17 SUMMIT_000023798 to 000023805, was 18 marked for purposes of 19 identification.) 20 - - - - - 21 Q. Do you recognize this document? 22 A. Yes. 23 Q. Can you identify it? 24 A. Yeah. It's a semiannual report to 25 OCJS.</p>	<p style="text-align: right;">Page 321</p> <p>1 Q. This says "Pharmaceutical Diversion 2 Questions," correct? 3 A. Uh-huh. 4 Q. So this grant you received had a 5 reporting requirement that included a 6 pharmaceutical diversion question component and 7 a non-pharmaceutical drug component; is that 8 correct? 9 A. Yes. 10 Q. Okay. Did you have any 11 requirements as part of receiving funding for 12 this grant that you devote specific resources 13 to pharmaceutical diversion? 14 A. No. 15 Q. And this form was provided by the 16 grant funders; is that correct? 17 A. The form? 18 Q. Uh-huh. 19 A. Yes. 20 Q. Okay. The first -- Question 10 21 says, "Describe how the task force addressed 22 pharmaceutical diversion." 23 And in response, it reads, 24 "Pharmaceutical diversion cases are handled as 25 they arise. Cases are brought to the unit by</p>

<p style="text-align: right;">Page 322</p> <p>1 the Ohio Pharmacy Board and by referrals and 2 complaints. One officer normally handles these 3 cases." 4 Did I read that correctly? 5 A. Yes. 6 Q. Okay. Could you describe for me 7 how many pharmaceutical diversion cases did you 8 receive, like percentage-wise, from the Ohio 9 Pharmacy Board? 10 A. I have no idea. 11 Q. Was it 90 percent? 12 A. You know, one day they'd call and 13 say, "Hey, we got something," and run with 14 that. And, I mean, I don't -- I have no idea. 15 Q. Would the majority of your 16 investigations for pharmaceutical diversions 17 arise as a result of a referral from the Ohio 18 Pharmacy Board? 19 MR. LEDLIE: Object to the form of 20 the question. 21 A. Yeah. I'm not sure. I can't tell 22 you -- that I could tell you. Yeah. I don't 23 know -- I don't know the exact breakdown, what 24 it would be. 25 Q. And the next question indicates</p>	<p style="text-align: right;">Page 324</p> <p>1 Q. So maybe 20 percent of her time? 2 MR. LEDLIE: Object to the form of 3 the question. 4 A. I don't know. It would be just 5 purely speculation on my part. 6 Q. Okay. But 50 percent seems high? 7 A. It seems high. 8 Q. Okay. Can we look at Question No. 9 17? 10 A. Uh-huh. 11 Q. Now, this is a chart, correct? 12 A. Yes. 13 Q. And it makes a distinction between 14 pharmaceutical drugs seized versus 15 pharmaceutical drugs diverted? 16 A. Uh-huh. 17 Q. Do you know what the difference is 18 here? 19 A. Yes. 20 Q. As you understood it? 21 A. The seized drugs are the drugs we 22 have in hand. 23 Q. Okay. 24 A. And the diverted ones are the ones 25 that we knew, based on investigations that were</p>
<p style="text-align: right;">Page 323</p> <p>1 that there are no full-time officers devoted to 2 pharmaceutical diversion, correct? 3 A. That is correct. 4 Q. But you have mentioned one officer 5 who spent time doing pharmaceutical diversions, 6 correct? 7 A. Correct. 8 Q. What percentage of her time was 9 spent on pharmaceutical diversion issues? 10 MS. RION: Object to the form. 11 A. Yeah. I don't know that I could 12 tell you. That's -- that's one of the -- if 13 somebody came along with the information of the 14 case, then, yeah, she would do that. Other 15 than that, her time was basically spent working 16 the evidence. 17 Q. On the non-pharmaceutical cases? 18 A. Evidence on all cases. 19 Q. Okay. But would she -- you can't 20 estimate that 50 percent of her time was spent 21 on the pharmaceutical diversion cases? 22 MR. LEDLIE: Object to the form of 23 the question. 24 A. Yeah. 50 seems like a high number, 25 but I can't really tell you. I have no idea.</p>	<p style="text-align: right;">Page 325</p> <p>1 diverted. We never had -- they were gone, and 2 we never got those. 3 Q. Well, how would you estimate the 4 numbers that were actually diverted? 5 A. For example, we could show -- we 6 could see that on -- on the OARRS report that a 7 lot of drugs were obtained by someone. Those 8 are gone, and we can't -- we don't have those 9 in hand, but we know they're diverted. 10 Q. Would you print out OARRS reports 11 as part of your -- an investigation? 12 A. Did we print them or not? We might 13 have. I can't recall exactly. 14 Q. If you printed the OARRS report, 15 where would you file it? 16 A. In the case files. 17 Q. In the case files. 18 MS. HARTMAN: I'd like to introduce 19 Exhibit 13. Oh, I'm sorry, 14. 20 - - - - - 21 (Thereupon, Deposition Exhibit 14, 22 Summit County Sheriff's Office 2003 23 Annual Report, SUMMIT_001128847 to 24 001128894, was marked for purposes 25 of identification.)</p>

<p style="text-align: right;">Page 326</p> <p>1 - - - - -</p> <p>2 Q. Oh, you know, sir I'm --</p> <p>3 A. There were two of them stuck</p> <p>4 together here.</p> <p>5 Q. Can you identify this document?</p> <p>6 A. It's an annual report from 2003.</p> <p>7 Q. Did you have any role in creating</p> <p>8 this annual report?</p> <p>9 A. This -- let me see. I don't</p> <p>10 believe I did.</p> <p>11 Q. I'd like to call your attention to</p> <p>12 page -- I think it's 27.</p> <p>13 A. Okay.</p> <p>14 Q. Okay. And there's a picture of</p> <p>15 you, correct?</p> <p>16 A. A pretty good one of me.</p> <p>17 Q. Is this a narrative that you</p> <p>18 drafted?</p> <p>19 A. I probably had a hand in it, yeah.</p> <p>20 Q. And it mentions 23 diversion cases,</p> <p>21 correct?</p> <p>22 I'm looking at page -- the top of</p> <p>23 28. I'm sorry.</p> <p>24 A. 28. Okay.</p> <p>25 Q. And the next paragraph references</p>	<p style="text-align: right;">Page 328</p> <p>1 purchase?</p> <p>2 A. Oh, yeah, they would.</p> <p>3 Q. Oh, they would have to clear it</p> <p>4 through you?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Did you ever turn down a</p> <p>7 request for a controlled purchase?</p> <p>8 A. Not that I ever recall.</p> <p>9 Q. Do you know if any documentation is</p> <p>10 associated with requests for controlled</p> <p>11 purchases by the officers?</p> <p>12 A. Yeah. There was a -- a form that</p> <p>13 they had.</p> <p>14 Q. And they filled it out and turned</p> <p>15 it in to you?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Did you keep those forms</p> <p>18 somewhere in your office?</p> <p>19 A. I -- I did. I'm not sure where</p> <p>20 they ended up. Because they would take those</p> <p>21 forms and record that in an inventory, an</p> <p>22 expense log.</p> <p>23 Q. So you would use the request for</p> <p>24 controlled purchases forms for your own expense</p> <p>25 log for the department?</p>
<p style="text-align: right;">Page 327</p> <p>1 controlled purchases or undercover work.</p> <p>2 A. Uh-huh.</p> <p>3 Q. Did your diversion cases involve</p> <p>4 controlled purchases?</p> <p>5 A. Yes.</p> <p>6 Q. What percentage of your diversion</p> <p>7 cases involved controlled purchases?</p> <p>8 A. Oh, I have no idea. All depended</p> <p>9 on what the case was.</p> <p>10 Q. How does your unit decide which</p> <p>11 controlled buys to pursue?</p> <p>12 A. When an officer had a case and we</p> <p>13 were able to make controlled purchases to</p> <p>14 further that case, then we made them.</p> <p>15 Q. Would you ultimately make the</p> <p>16 decision as to whether to authorize a</p> <p>17 controlled purchase?</p> <p>18 A. Basically, it was the case officer</p> <p>19 that decided whether or not to make the</p> <p>20 purchases. And we made a lot of them because</p> <p>21 we're working our way up the ladders, up the</p> <p>22 chains.</p> <p>23 Q. So a case officer, he or she</p> <p>24 would -- would not have to clear it through you</p> <p>25 before making a purchase -- controlled</p>	<p style="text-align: right;">Page 329</p> <p>1 A. For the drug unit.</p> <p>2 Q. That's correct? That is correct?</p> <p>3 A. Yes.</p> <p>4 Q. That's accurate? Okay.</p> <p>5 Would an officer ever e-mail you a</p> <p>6 request for money, or was it always through the</p> <p>7 forms?</p> <p>8 A. No. It was through the forms.</p> <p>9 Q. It was through the forms?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So you did have a file with</p> <p>12 those forms?</p> <p>13 A. Yes.</p> <p>14 MS. HARTMAN: Okay. I'd like to</p> <p>15 introduce Exhibit 15.</p> <p>16 - - - - -</p> <p>17 (Thereupon, Deposition Exhibit 15,</p> <p>18 Document First Heading "Testimony of</p> <p>19 Captain Hylton Baker, Summit County</p> <p>20 Drug Unit, SUMMIT_001461080 to</p> <p>21 001461085, was marked for purposes</p> <p>22 of identification.)</p> <p>23 - - - - -</p> <p>24 Q. Do you recognize this document?</p> <p>25 And please take a moment to look at it.</p>

<p style="text-align: right;">Page 330</p> <p>1 A. Yes.</p> <p>2 Q. What is it?</p> <p>3 A. This was during our fight to get</p> <p>4 permanent funding for the task forces.</p> <p>5 Q. Your fight to get permanent funding</p> <p>6 for the task forces; is that from the Ohio</p> <p>7 legislature?</p> <p>8 A. Yes.</p> <p>9 Q. Were you successful in that fight?</p> <p>10 A. Yes.</p> <p>11 Q. And when did you receive permanent</p> <p>12 funding for the task forces?</p> <p>13 A. The document, that would -- when</p> <p>14 did we get it, 2010 or 2009 is when we finally</p> <p>15 got the money. So the legislature would have</p> <p>16 passed that probably in the prior year.</p> <p>17 Q. And at the -- so do you know the</p> <p>18 date when this document was drafted?</p> <p>19 A. I don't recall. It would have been</p> <p>20 prior to 2010.</p> <p>21 Q. And this is testimony you provided?</p> <p>22 Was it in front of the General Assembly of</p> <p>23 Ohio?</p> <p>24 A. It was in -- in front of one of</p> <p>25 the -- I believe the -- the safety committee of</p>	<p style="text-align: right;">Page 332</p> <p>1 Q. Did you ever obtain a transcript of</p> <p>2 your testimony for Capitol Hill?</p> <p>3 A. No.</p> <p>4 Q. Why not?</p> <p>5 A. I didn't know I could get one.</p> <p>6 Q. Well, you can go home tonight and</p> <p>7 Google it, I'm sure, and it will come up.</p> <p>8 All right. In terms of the</p> <p>9 information here, can we look at page -- you</p> <p>10 don't have page numbers, but the Bates No.</p> <p>11 1461083.</p> <p>12 A. All right.</p> <p>13 Q. Now, you talk about the efforts of</p> <p>14 the task force throughout Ohio.</p> <p>15 A. Uh-huh.</p> <p>16 Q. About a third of the way down of</p> <p>17 the first paragraph, it says, "During 2006</p> <p>18 alone" --</p> <p>19 A. Uh-huh.</p> <p>20 Q. -- "more than 12,300 units of</p> <p>21 pharmaceutical drugs were seized and over</p> <p>22 1-" -- "133,600 were found to have been</p> <p>23 diverted."</p> <p>24 A. Yes.</p> <p>25 Q. And that's collectively over --</p>
<p style="text-align: right;">Page 331</p> <p>1 the legislature.</p> <p>2 Q. Is that the only time you've</p> <p>3 delivered testimony to the legislature?</p> <p>4 A. No.</p> <p>5 Q. When else have you delivered</p> <p>6 testimony?</p> <p>7 A. I also delivered testimony in</p> <p>8 regards to methamphetamine.</p> <p>9 Q. And that was to the Ohio</p> <p>10 legislature?</p> <p>11 A. Yes. And I also spoke on Capitol</p> <p>12 Hill.</p> <p>13 Q. In regard to what?</p> <p>14 A. Methamphetamine.</p> <p>15 Q. And what year was that?</p> <p>16 A. I don't know. Maybe around 2006 or</p> <p>17 so.</p> <p>18 Q. Did you prepare similar written</p> <p>19 testimony in advance of providing that</p> <p>20 testimony live?</p> <p>21 A. For the State, I believe I had</p> <p>22 written -- yeah, they want written testimony,</p> <p>23 so I had something there.</p> <p>24 For the one in Capitol Hill, I did</p> <p>25 not.</p>	<p style="text-align: right;">Page 333</p> <p>1 over the whole state of Ohio?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. Now, we talked a little bit</p> <p>4 more -- earlier about how cases are referred to</p> <p>5 the drug unit, correct?</p> <p>6 A. Yes.</p> <p>7 Q. You might get a tip or a complaint;</p> <p>8 is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. Was there any kind of reporting</p> <p>11 mechanism in place at the drug unit that lists</p> <p>12 every tip or complaint you receive from the</p> <p>13 public?</p> <p>14 A. No. If something would come in,</p> <p>15 somebody might write -- just write a little</p> <p>16 memo, a note or something with their name on</p> <p>17 it, or if somebody was there at the time, we</p> <p>18 might just transfer the call right to them.</p> <p>19 Q. How did you decide which --</p> <p>20 MS. HARTMAN: I'd like to introduce</p> <p>21 Exhibit 16.</p> <p>22 - - - -</p> <p>23 (Thereupon, Deposition Exhibit 16,</p> <p>24 8/22/2012 E-Mail to Hylton Baker Re:</p> <p>25 Meth labs, SUMMIT_001008145, was</p>

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1 marked for purposes of
2 identification.)
3 - - - - -
4 Q. How did you decide which complaints
5 to pursue?
6 A. We looked at everything. Other
7 than those things that were so far out of -- we
8 got calls from all kinds of people, so -- and
9 some of them you could tell were a little
10 outside the norm, and those kind of things you
11 just tried to do the best PR you could with
12 them.
13 Q. Did you have any --
14 MS. HARTMAN: Would you hand out --
15 Q. Is this one of the types of
16 complaints that you received from the public?
17 A. Okay.
18 Q. So this is a complaint from the
19 public?
20 A. Yes.
21 Q. And how -- how would the -- is your
22 name on a website? How would this individual
23 obtain your name, if you know?
24 A. Yeah. They could go -- probably go
25 to the sheriff's website, and they probably

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1 listed everybody's -- has the head of each
2 bureau.
3 Q. Do you know whether or not this
4 complaint was investigated?
5 A. I'm sure it was.
6 Q. May I ask why you're sure it was?
7 A. We -- I -- I would have given it to
8 probably the person who was my main go-to for
9 meth. There was a couple of them. One or two
10 of them. And so probably one of -- one of the
11 things that we did with these kind of things
12 was go do a knock and talk. Which basically
13 means a couple of detectives went up to the
14 door and knocked and said, "Hi. How are you?
15 We got a complaint that there's meth going on
16 in here. Do you mind if we come in?"
17 You'd be surprised how many people
18 go, "Oh, yeah, come on in."
19 Q. Do you know what percentage of your
20 investigations came from public complaints?
21 A. No. Probably not a large
22 percentage, because most of them involve guys
23 going out and getting informants and going from
24 there.
25 Q. Or referrals, as you said before?

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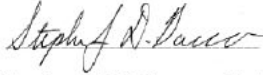
1 A. Right.
2 Q. From different agencies?
3 A. Yes.
4 Q. Okay. Did you receive referrals
5 from agencies besides the Ohio Board of
6 Pharmaceuticals?
7 A. We got referrals from various
8 government entities. We got referrals from
9 other police departments. We got referral -- I
10 mean, just about everybody you can imagine.
11 Q. And I'm sorry if this is repeating
12 my question, but did you keep a list of all the
13 referrals you received or that came through the
14 drug unit?
15 A. No.
16 Q. No, you didn't keep a list of it?
17 A. No.
18 Q. Okay. Why not?
19 A. So hand the referral off to one of
20 the detectives, and they were able to take the
21 case, they made a case. If not, they didn't.
22 Q. Are you familiar with the Summit
23 County Medical Examiner's Office?
24 A. Yes.
25 Q. How often did you interact with the

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1 Summit County Medical Examiner's Office in your
2 role as the captain of the drug unit?
3 A. Not very often, unless I was
4 looking for some stats.
5 Q. Would you ever receive weekly or
6 monthly reports from the Summit County Medical
7 Examiner's Office?
8 A. No.
9 Q. What would be a particular instance
10 in which you were looking for stats?
11 A. Well, for example, I might -- if
12 I'm going to go talk someplace, I might want to
13 know, you know, what are -- what are -- what
14 are our death rates and what -- what kind of
15 drugs are you finding.
16 Q. Would you ever talk to the Summit
17 County medical examiner in connection with an
18 ongoing investigation of the drug unit?
19 MR. LEDLIE: Object to the form of
20 the question.
21 A. I don't recall ever doing that
22 personally. That doesn't mean that if one of
23 my investigators was involved in an overdose
24 case that they didn't. I don't know.
25 Q. During your time in the drug unit,

<p style="text-align: right;">Page 338</p> <p>1 did you have a relationship with the Summit 2 County Prosecutor's Office? 3 A. Yes. 4 Q. And what -- can you describe that 5 relationship? 6 A. The prosecutor sat as -- had a 7 representative that sat as a board member of 8 the drug unit. 9 Q. And was that the same person 10 throughout your time as head of the drug unit? 11 A. Yes. 12 Q. Okay. And who was that person? 13 A. Mary Ann Kovach. 14 Q. And how often did you communicate 15 with her? 16 A. Board meetings were once a month. 17 And other than that, depending on what cases 18 were going on, we might communicate, but it 19 wasn't a day-to-day thing. 20 Q. Did you ever talk with her about 21 the opioid crisis or opioid epidemic in Summit 22 County? 23 A. Not that I can recall. 24 Q. Did you ever talk with anyone in 25 the Summit County Prosecutor's Office about</p>	<p style="text-align: right;">Page 340</p> <p>1 would talk back and forth at our state 2 meetings, and every now and then somebody would 3 call somebody, "Hey, you know, I've seen this. 4 Have you seen this," or... 5 Q. But there wasn't like a regular -- 6 A. Not a formal. 7 Q. Not a formal type of communication. 8 Just give me one second. 9 MS. HARTMAN: All right. Those are 10 all the questions I have. Thank you for your 11 time. 12 THE VIDEOGRAPHER: Off the record, 13 5:31. 14 (A recess was taken.) 15 THE VIDEOGRAPHER: On the record, 16 5:32. 17 EXAMINATION OF HYLTON E. BAKER 18 BY MS. GATES: 19 Q. Hi, Mr. Baker. I'm Lisa Gates. We 20 met earlier. I represent Walmart. I just have 21 a couple of questions. 22 Are you aware that Summit County 23 has sued my client, Walmart, in this case? 24 A. I saw your name in the complaint. 25 Q. Are you also aware that the County</p>
<p style="text-align: right;">Page 339</p> <p>1 opioid problems? 2 A. No. Not that I can recall, unless 3 it was a case. 4 Q. Did you ever have any dealings with 5 the Cuyahoga County drug enforcement divisions? 6 A. I think we caught them down here 7 poaching one time, but other than that no. 8 Q. Poaching in terms of trying to find 9 officers? 10 A. What's that? 11 Q. Poaching in what sense? 12 A. Basically they were doing an 13 investigation in our jurisdiction. 14 Q. Oh, okay. 15 A. Without telling us. 16 Q. Did you ever talk about best 17 practices with them? 18 A. No. Really never talked to 19 Cleveland or anybody up there. 20 Q. What about Franklin County? Did 21 you ever talk to anyone in Franklin County? 22 A. Franklin? No. 23 Q. Did you ever talk to any other drug 24 units in any other county in Ohio? 25 A. I mean, as -- as commanders we</p>	<p style="text-align: right;">Page 341</p> <p>1 has sued Walgreens, Rite Aid, and CVS? 2 A. I saw those in the complaint also. 3 Q. Do you have any personal knowledge 4 as to why Summit County has sued Walmart? 5 A. Other than what I read in the 6 complaint, no. 7 Q. What about Walgreens, Rite Aid, or 8 CVS? Do you have any personal knowledge as to 9 why Summit County sued those entities? 10 A. Other than what I saw in the 11 complaint, no. 12 Q. I take it you can't point to any 13 specific conduct by Walmart relating to 14 prescription opioids that caused any monetary 15 losses to Summit County? 16 A. During my tenure, I don't have any. 17 Q. And is the same true for Walgreens, 18 Rite Aid, and CVS? 19 A. Correct. 20 Q. Are you familiar with the damages 21 that Summit County is seeking in this case? 22 A. I know they're seeking damages. I 23 don't know what they are and what the amounts 24 are. 25 Q. Have you personally ever tried to</p>

<p style="text-align: right;">Page 342</p> <p>1 quantify in dollars how much your department's</p> <p>2 expenditures related to the opioids issues</p> <p>3 generally?</p> <p>4 A. I have not.</p> <p>5 Q. What about illicit opioids? Have</p> <p>6 you ever tried to calculate those expenditures?</p> <p>7 A. No.</p> <p>8 Q. And is the same true for</p> <p>9 prescription opioids? You've never tried to</p> <p>10 calculate?</p> <p>11 A. I have never, no.</p> <p>12 Q. Okay. And I'd just like to confirm</p> <p>13 my understanding of your prior testimony on a</p> <p>14 couple of items, and then I'll finish up.</p> <p>15 You're not educated as a medical</p> <p>16 doctor, correct?</p> <p>17 A. That is correct.</p> <p>18 Q. And you're not an expert on pain</p> <p>19 management?</p> <p>20 A. I am not.</p> <p>21 Q. You're not an expert on the causes</p> <p>22 of drug addiction?</p> <p>23 A. I am not.</p> <p>24 Q. You don't have any training or</p> <p>25 expertise in epidemiology?</p>	<p style="text-align: right;">Page 344</p> <p>1 Whereupon, counsel was requested to give</p> <p>2 instructions regarding the witness's review of</p> <p>3 the transcript pursuant to the Civil Rules.</p> <p>4</p> <p>5 SIGNATURE:</p> <p>6 Transcript review was requested pursuant to the</p> <p>7 applicable Rules of Civil Procedure.</p> <p>8</p> <p>9 TRANSCRIPT DELIVERY:</p> <p>10 Counsel was requested to give instructions</p> <p>11 regarding delivery date of transcript.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 343</p> <p>1 A. I do not.</p> <p>2 Q. The same is true for pharmacology?</p> <p>3 A. I mean, I have some basic</p> <p>4 pharmacology as a result of DEA academy.</p> <p>5 Q. Aside from your -- and the DEA</p> <p>6 academy, was a training session?</p> <p>7 A. It was, yes.</p> <p>8 Q. For how long?</p> <p>9 A. Two weeks.</p> <p>10 Q. And would that be -- did that cover</p> <p>11 pharmacy as well?</p> <p>12 A. No.</p> <p>13 Q. So you have no training or</p> <p>14 expertise in pharmacy?</p> <p>15 A. I do not.</p> <p>16 MS. GATES: I don't have any other</p> <p>17 questions. Thank you very much.</p> <p>18 MR. LEDLIE: I don't have anything.</p> <p>19 MS. SAULINO: That means you're</p> <p>20 done for the day, sir.</p> <p>21 MR. LEDLIE: Yes.</p> <p>22 THE VIDEOGRAPHER: Off the record,</p> <p>23 5:35.</p> <p>24 (Deposition concluded at 5:35 p.m.)</p> <p>25 ~ ~ ~ ~ ~</p>	<p style="text-align: right;">Page 345</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2 The State of Ohio,)</p> <p>3 SS:</p> <p>4 County of Cuyahoga.)</p> <p>5</p> <p>6 I, Stephen J. DeBacco, a Notary</p> <p>7 Public within and for the State of Ohio, duly</p> <p>8 commissioned and qualified, do hereby certify</p> <p>9 that the within named witness, HYLTON E. BAKER,</p> <p>10 was by me first duly sworn to testify the</p> <p>11 truth, the whole truth and nothing but the</p> <p>12 truth in the cause aforesaid; that the</p> <p>13 testimony then given by the above-referenced</p> <p>14 witness was by me reduced to stenotypy in the</p> <p>15 presence of said witness; afterwards</p> <p>16 transcribed, and that the foregoing is a true</p> <p>17 and correct transcription of the testimony so</p> <p>18 given by the above-referenced witness.</p> <p>19 I do further certify that this</p> <p>20 deposition was taken at the time and place in</p> <p>21 the foregoing caption specified and was</p> <p>22 completed without adjournment.</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 346</p> <p>1 I do further certify that I am not</p> <p>2 a relative, counsel or attorney for either</p> <p>3 party, or otherwise interested in the event of</p> <p>4 this action.</p> <p>5 IN WITNESS WHEREOF, I have hereunto</p> <p>6 set my hand and affixed my seal of office at</p> <p>7 Cleveland, Ohio, on this 24th day of</p> <p>8 December, 2018.</p> <p>9</p> <p>10</p> <p>11</p> <p>12 </p> <p>13</p> <p>14 Stephen J. DeBacco, Notary Public</p> <p>15 within and for the State of Ohio</p> <p>16</p> <p>17 My commission expires September 30, 2022.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 348</p> <p>1 DEPOSITION REVIEW</p> <p>2 CERTIFICATION OF WITNESS</p> <p>3 ASSIGNMENT REFERENCE NO: 3155133</p> <p>4 CASE NAME: In Re: National Prescription Opiate Litigation v</p> <p>5 DATE OF DEPOSITION: 12/19/2018</p> <p>6 WITNESS' NAME: Hylton E Baker</p> <p>7 In accordance with the Rules of Civil</p> <p>8 Procedure, I have read the entire transcript of</p> <p>9 my testimony or it has been read to me</p> <p>10 I have made no changes to the testimony</p> <p>11 as transcribed by the court reporter</p> <p>12</p> <p>13 Date <u>Hylton E Baker</u></p> <p>14 Sworn to and subscribed before me, a</p> <p>15 Notary Public in and for the State and County,</p> <p>16 the referenced witness did personally appear</p> <p>17 and acknowledge that:</p> <p>18 They have read the transcript;</p> <p>19 They signed the foregoing Sworn</p> <p>20 Statement; and</p> <p>21 Their execution of this Statement is of</p> <p>22 their free act and deed</p> <p>23</p> <p>24 I have affixed my name and official seal</p> <p>25 this _____ day of _____, 20____</p> <p>_____ Notary Public</p> <p>_____ Commission Expiration Date</p>
<p style="text-align: right;">Page 347</p> <p>1 Veritext Legal Solutions</p> <p>2 1100 Superior Ave</p> <p>3 Suite 1820</p> <p>4 Cleveland, Ohio 44114</p> <p>5 Phone: 216-523-1313</p> <p>6 December 24, 2018</p> <p>7 To: Caroline Rion</p> <p>8 Case Name: In Re: National Prescription Opiate Litigation v</p> <p>9 Veritext Reference Number: 3155133</p> <p>10 Witness: Hylton E Baker Deposition Date: 12/19/2018</p> <p>11 Dear Sir/Madam:</p> <p>12 Enclosed please find a deposition transcript Please have the witness</p> <p>13 review the transcript and note any changes or corrections on the</p> <p>14 included errata sheet, indicating the page, line number, change, and</p> <p>15 the reason for the change Have the witness' signature notarized and</p> <p>16 forward the completed page(s) back to us at the Production address</p> <p>17 shown</p> <p>18 above, or email to production-midwest@veritext.com</p> <p>19 If the errata is not returned within thirty days of your receipt of</p> <p>20 this letter, the reading and signing will be deemed waived</p> <p>21 Sincerely,</p> <p>22 Production Department</p> <p>23</p> <p>24</p> <p>25 NO NOTARY REQUIRED IN CA</p>	<p style="text-align: right;">Page 349</p> <p>1 DEPOSITION REVIEW</p> <p>2 CERTIFICATION OF WITNESS</p> <p>3 ASSIGNMENT REFERENCE NO: 3155133</p> <p>4 CASE NAME: In Re: National Prescription Opiate Litigation v</p> <p>5 DATE OF DEPOSITION: 12/19/2018</p> <p>6 WITNESS' NAME: Hylton E Baker</p> <p>7 In accordance with the Rules of Civil</p> <p>8 Procedure, I have read the entire transcript of</p> <p>9 my testimony or it has been read to me</p> <p>10 I have listed my changes on the attached</p> <p>11 Errata Sheet, listing page and line numbers as</p> <p>12 well as the reason(s) for the change(s)</p> <p>13 I request that these changes be entered</p> <p>14 as part of the record of my testimony</p> <p>15</p> <p>16 I have executed the Errata Sheet, as well</p> <p>17 as this Certificate, and request and authorize</p> <p>18 that both be appended to the transcript of my</p> <p>19 testimony and be incorporated therein</p> <p>20</p> <p>21 Date <u>Hylton E Baker</u></p> <p>22 Sworn to and subscribed before me, a</p> <p>23 Notary Public in and for the State and County,</p> <p>24 the referenced witness did personally appear</p> <p>25 and acknowledge that:</p> <p>_____ They have read the transcript;</p> <p>_____ They have listed all of their corrections</p> <p>_____ in the appended Errata Sheet;</p> <p>_____ They signed the foregoing Sworn</p> <p>_____ Statement; and</p> <p>_____ Their execution of this Statement is of</p> <p>_____ their free act and deed</p> <p>_____ I have affixed my name and official seal</p> <p>_____ this _____ day of _____, 20____</p> <p>_____ Notary Public</p> <p>_____ Commission Expiration Date</p>

<p style="text-align: right;">Page 350</p> <p>1 ERRATA SHEET 2 VERITEXT LEGAL SOLUTIONS MIDWEST 3 ASSIGNMENT NO: 12/19/2018 4 PAGE/LINE(S) / CHANGE /REASON 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 Date Hylton E. Baker 21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ 22 DAY OF _____, 20_____. 23 _____ 24 Notary Public 25 _____ Commission Expiration Date</p>	

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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